NATIONAL MUNICIPAL REVIEW

VOL. XVIII, No. 3 MARCH, 1929 TOTAL No. 153

EDITORIAL COMMENT

Cork to Have a City Manager

According to cable reports the Irish Free State government has conferred city manager government upon the inhabitants of Cork. As readers of the REVIEW will recall, Cork and Dublin have been governed by state-appointed commissioners. The new governments have been so eminently satisfactory that Cork has decided to go a step further and adopt a manager government modeled on the American plan. The new bill provides for a city manager, working with an elective council of twenty-one. He can be removed, however, only by a two-thirds majority of the council. Great care has been taken to define and separate the spheres of the council and of the manager. The manager will be appointed by the Local Appointments Commission, and thus a measure of central control will be reserved to the Free State government.

British observers have not received the manager plan too gladly, seeing in it a stronger measure of centralization than British tradition accepts. The success of the state-appointed commissioners in Dublin and Cork has demonstrated, however, that administrative centralization has its good points, and if Cork's experience with a manager is satisfactory the plan may spread to other cities of the United Kingdom. The degree of state supervision exemplified in the central government's appointment of the manager would not be acceptable, however, to English municipalities.

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Pittsburgh's Graded Tax Rate

Robert Garland, chairman of the finance committee of the city council of Pittsburgh, takes issue in an article in a Pittsburgh newspaper with C. E. Rightor's estimate of the true city tax rate for Pittsburgh published in the NATIONAL MUNICIPAL REVIEW for December last. Mr. Rightor's analysis made Pittsburgh's adjusted tax rate (the aggregate for city, schools and county) to be $32.16 per $1,000 of actual value. This gives her the highest tax rate of any city of 500,000 population or over, and according to Mr. Garland has been used by the newspapers of the country to discredit Pittsburgh and particularly her graded tax system. Mr. Rightor's rate is based upon total receipts of taxes on land and buildings. Mr. Garland admits that no criticism of Mr. Rightor's method was intended, since no other way was open to him. He does believe, however, that Pittsburgh is penalized by the fact that all unoccupied or vacant land is taxed for city purposes at $25 per thousand, while improvements are taxed at but one-half this rate. The unadjusted

city rate for the small home-owner whose land is worth $1,000 and house $5,000 is $14.60, not $18.96 as Mr. Rightor's figures would imply. Mr. Garland's point is that the heavy tax on vacant land, of which there is a considerable quantity within the city limits, gives a wrong impression as to the burdens which homes, factories, and office buildings must carry. According to his analysis, the moment a man improves his land in Pittsburgh his total tax rate on land and improvement drops to about thirteen or fourteen dollars per thousand. For this reason, industry and real estate development are encouraged rather than retarded by the graded tax scheme.

Machinery of all descriptions and personal property and inventories of stores and factories are exempt from municipal taxation in Pittsburgh. This fact throws a heavier burden on real estate than would otherwise be the case, and, Mr. Garland believes, further renders the general tax rate misleading.

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Philadelphia Politics and the C. M.-P. R. Plan

Brother Ed was the strong man of the Vare organization in Philadelphia. With his death several years ago the days of the Vare machine became numbered. Brother Bill is not so formidable a boss. His recent illness and his difficulties with the United States Senate have brought rival leaders into the lists. Many believe that a new Caesar is about to arise in Philadelphia politics.

It is the Greenfield-Monaghan-Mitten combination which has undertaken to bring the Vare crowd to their knees. Greenfield is a successful real-estate dealer; Monaghan is the district attorney of Philadelphia county; Mitten is the traction magnate of Mitten Management fame. Vare, too ill to make the fight, appears to have entrusted his future to State Senator Samuel W. Salus, a Philadelphia politician with no lily-white record.

It is this Senator Salus who consented to introduce into the legislature the optional city manager–proportional representation bill for the city of Philadelphia after the independent Senator George Woodward declined to do so. (Woodward subsequently announced that he will vote for the measure on home rule principles but does not favor a city manager for Philadelphia.) The selection of Salus to introduce the measure has perplexed those who fear that the children of light are consorting with the sons of darkness. Have the reformers been seduced; or are they playing a shrewd game worthy of their most agile opponents?

The truth is that no other alternative was open to the Committee of Seventy and the Charter Committee. Unless the bill were introduced by a Philadelphian it would have little chance of success. After Dr. Woodward's defection it was necessary to solicit the aid of an organization man, for Woodward is the only independent legislator from Philadelphia.

Salus' willingness to introduce a measure aimed at the heart of the organization he hopes to lead represents no sudden conversion to civic righteousness. Undoubtedly he hopes thereby to embarrass his ambitious party rivals. If the bill passes, as it well may, he will be found fighting its acceptance by the voters of Philadelphia. While it is unfortunate that the Philadelphia delegation in the legislature could supply no one above reproach to be the legislative parent of the measure, the present tactics are no sell-out by the reformers. If the bill becomes law it will be because the true friends of the charter persuade the non-Philadelphia members of the legislature that to allow Philadelphia to choose the government she wants is the fair and expedient thing to do.

For an analysis of the measure itself and further light upon Philadelphia's tangled politics, see George Hallett's article in the Notes and Events department of this issue.

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Public Utility Regulation Must Improve

Criticism of our present systems of public utility regulation has been mounting in recent years. In at least two states discontent has reached the point of organized activity.

Twenty-five years ago the idea of commission regulation spread rapidly among the states. During the preceding two decades grave evils had developed in utility organization, especially among street railways, which the commissions were designed to end. They were to deal fairly with the utilities, but were expected to serve as positive agencies in the interest of the public. But, while regulation has not been a one hundred per cent failure, the high hopes for it have often miscarried.

The object of the criticism is not to abolish regulation, but to modify the methods to meet present-day conditions. Unfortunately, there has been a disposition among the utilities and some of the commissions to brush such criticism aside, to claim that all is well with regulation, and to view the criticism as public ownership propaganda. In our view, this is a grave misconception. Most of the intelligent critics have no ulterior motives. Their object is not to sweep regulation into the discard, but to reconstruct it upon sound public lines. They are not public-ownership partisans. They realize, however, that if regulation is not fundamentally reconstructed, public ownership and operation in most instances will remain the only rational policy. But if regulation is made effective, it will remove this artificial stimulus to public ownership. Public ownership has its place, but its extension will be unfortunate if it is based upon the breakdown of regulation. For regulation can yet be made effective through the exercise of reasonable statesmanship.

We have no doctrinal attachment to either private or public ownership and operation. Most of the private systems are satisfactorily managed from the standpoint of operating efficiency; but there are many that fail wretchedly in this fundamental respect. There are also public systems which are very successfully managed; yet there are others which do embody the evils that are commonly charged against public ownership and operation. Doubtless both modes of organization will continue, and compete with each other. Individual instances occur in which public ownership and operation would furnish now the most satisfactory settlement. For the greater part, however, there is no fundamental reason why private ownership and operation should not endure if regulation is made effective. But if regulation remains unsatisfactory, and if the utilities themselves pursue the brainless course set by many of their legal, financial and publicity leaders, they will incur the inevitable fate of public ownership and operation.

J. B.

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Rural Detectives à la Sherlock Holmes

Governor Roosevelt of New York has asked the state crime commission to consider the feasibility of establishing a small, mobile corps of highly trained crime investigators who will be available to aid sheriffs and constables in rural localities. After presenting a description of modern crime detection methods in cities, somewhat idealized it must be admitted, the Governor proposes that similar facil-

ities be extended to the country districts. Confronted by a baffling crime, a rural sheriff would solicit the aid of trained investigators from the supply on tap at a central point. Thereupon an investigator would hurry to the scene of the crime equipped with microscopes, test tubes, bacteriological equipment, and perhaps a scholarly critique of the technique of Sherlock Holmes, and proceed to resolve the mystery.

The idea seems to have been suggested originally by the Minnesota Crime Commission, which recommended a state detective bureau where, because of political opposition, it was impossible to establish a complete state police system. Friends of the New York state police are accordingly not inclined to accept readily the suggestion of a parallel organization performing functions already entrusted to the state troopers. While the state police place most emphasis on uniformed control as a deterrent to crime, they do considerable detective work themselves. In this they utilize finger prints, under-cover men, and the other paraphernalia of modern detective methods. Obviously a state detective service organized as a separate executive department or lodged with some state department such as the department of correction (one of the schemes tentatively put forward by the Governor) would lack the close tie-up with the state police which would be necessary for its success. Much better would it be to increase the detective facilities of the state police, recognizing that in this automobile age crime detection in rural areas is a state rather than a local function.

Governor Roosevelt is a good democrat but his loyalty to the principle of home rule appears to have led him astray in this instance. A state detective bureau to be used only at the call of rural communities will not make county sheriffs and local constables adequate peace officers in this age of scientific crime. Rural crime prevention and detection are state functions today and in the last analysis there is no way by which the issue with so-called home rule in police matters can be evaded.

ORDER FOR CHAOS IN TRAFFIC SIGNALS

BY WILLIAM B. POWELL

Traffic Engineer; Chairman of Committee on Code of Practice on Signs, Signals and Markings

The American Engineering Council Committee reports a standard practice for traffic control. :: :: :: :: :: ::

"SAY, fellar! Wad 'ya mean by tryin' t'sneak round the corner on the red? Don't you know red means stop even if you do come from some hick burg?"

Thus the arbiter of traffic interprets to the stranger the correct practice to be followed in his well-ordered city, and we pass on our way in a contrite and chastened spirit, until we are rudely awakened in the heart of the very next municipality: "Hey, youse! Git a move on an' stop blockin' traffic. When the red's on, turn the corner if you're nex' the curb an' keep movin'."

After that, fear and trembling is ours at the approach to every strange town lest we do the wrong thing, with consequent delay not only to ourselves but to all other traffic as well.

And then the signs! All colors, all shapes, all sizes; high and low; big letters, little letters, and most of all, so many small words that one must stop to read.

It is this chaos of regulations based on many minds that led the second National Conference on Street and Highway Safety to authorize two committees to seek some basis of systematic order in this very complicated realm of traffic control. Since that conference was held over two years ago, the committee on model municipal ordinance has published its report of a recommended law for adoption by cities,[1] so that uniform rules would govern such important matters as the making of turns, the passing of street cars, and similar traffic movements. Meanwhile, a committee of American Engineering Council under the sponsorship of the National Conference has been working on a code of standard practice for traffic control devices after making a very comprehensive survey of the present practice in over 100 of the largest cities of the country. The report is on the press at this writing, and will be available for distribution by the time this appears. Its provisions cannot be summarized in the brief limits of this article, but a few of the outstanding features may be mentioned.

[1] See article on this model ordinance, in NATIONAL MUNICIPAL REVIEW, Vol. XVII, pp. 684–689, November, 1928.

UNIFORM SIGNS AND BEACON LIGHTS

Essential signs are grouped as follows:

Stop: Octagonal—Red letters on yellow ground.

Slow: Diamond—Black letters on yellow ground.

Caution: Square—Black letters on yellow ground.

One Way: Arrow—Black letters on white ground.

Instruction: Rectangular—Black letters on white ground.

Restriction:

- No Parking: Rectangular—Red letters on white ground.
- Parking: Rectangular—Green letters on white ground.
- Pedestrians: Rectangular—Blue letters on white ground.

The distinction between the first three groups lies in the degree of

hazard indicated which in the first case requires the vehicle to stop completely before proceeding, in the second requires it to slow because of some hazard inherent in the roadway, while the third requires the exercise of caution on account of some outside hazard such as a school which may be intermittent in occurrence.

If beacon lights are used, either in combination with signs or elsewhere, they shall have the following significance:

Flashing red—Stop before proceeding.
Flashing yellow—Slow before proceeding.
Fixed yellow—Caution for obstructions.

In the field of automatic signals, the model ordinance is followed by recommending the three-color system, while recognizing the practice of using only two colors, as is done in some parts of the country, notably in New York state. No movements are permitted against the red unless such special movements are indicated by green arrows displayed at the same time. Strong emphasis is placed on the combination of adjacent signals in progressive systems so as to permit continuous movement at predetermined speeds.

Safety zones are classified as follows:
Raised platforms protected by fixed posts and lights.
Pavement areas protected by fixed posts and lights.
Pavement areas protected by movable posts, which is not recommended for general use. Pavement areas indicated only by painted lines without other protection are condemned as unsafe.

MUNICIPAL GOVERNMENT AND THE NEWSPAPER

BY VICTOR ROSEWATER, PH.D.
Formerly Editor of the "Omaha Bee"

The name of Victor Rosewater is known to all readers of the REVIEW. *They will appreciate his careful analysis of the practical problems of running a good newspaper.* :: :: :: :: :: ::

FROM the newspaper viewpoint, it is difficult to treat the reporting of municipal affairs as a peculiar problem. Gathering and presenting news from or about the city's offices or institutions or activities is not a task *sui generis*, but comes in the day's run, just like any other part of the ceaseless stream of copy. The practical test regularly applied to determine the importance of every item for the paper is that of reader interest and the test is not abated merely because classifiable under the heading of municipal affairs. Though the editor's judgment of reader interest may be and often is in error, the sometimes prevalent notion that he harbors an aversion to substantial information and sober statement should not require disproof. The process of editorial selection is akin to a continuously working experiment station, and the reaction of the subscriber to the day-by-day news menu is not to be recklessly disregarded. The journal purveying to the general public, there-

fore, cannot well subordinate everything to the desires of one particular group, even granting that the subject of municipal government stands near the top in the scale of news values.

The common complaint of those disappointed by newspaper treatment of what is their special concern is that the columns are filled with drivel and trash while worth-while matters are ignored or excluded or crowded out by blatant paid advertisements. The press is accused of being negligent of its true function, of failing to fulfill its duty by the public, or of subserviency to political power or to the blight of advertising revenue. Why else should slathers of printer's ink be shed on sport pages? Why such extensive daily market quotations? Why space-consuming fashions and foibles of so-called society? Why so much room given to comic strips and cross-word puzzles and lurid fiction and inane advice to the complex-ridden? Why the *ad nauseam* scandal-monging? Would not an interpretative explanation of the school budget, or a disquisition on sanitary garbage removal be much more helpful to the city's welfare? How do things get into print anyway?

THE EDITOR'S DIFFICULTIES

The initiated know that the contents of every newspaper are the outcome of a never-ending series of rejections, that the space available in each issue is limited to so many pages and columns, elastic only within narrow range, that this space is apportioned to different classes of reading matter as a meal is divided into courses, that the body literate can no more be fed steadfastly on a single dish and thrive than the body physical, that, with an excess of material pressing for consideration, it is relative importance which counts and determines preference for position and length, that these decisions have to be made in quick succession with lightning rapidity on the strength of partial information, that prime news and beats displace or sidetrack non-exclusive or less urgent stories.

Another frequent complaint goes to the inaccuracy of newspaper reports or the stupidity which misses the essentials and plays up the immaterial. If a program of zoning is to be outlined, why not do it intelligently so as to enlighten rather than muddle people taking the pains to read? If the proposal be to remodel the structure of the city's scheme of administration in the direction of simplicity and economy, why not state the facts in a way to facilitate understanding despite fears of job-holders decrying its merit? Two points are involved: the competency of the reporter and the policy of the paper. A misfit writer with difficulty gets things straight while the best will do a poor piece of work carrying out perverse instructions. Incidentally, much is at stake in continuity of service, in keeping the same reporter on the job and utilizing the experience and background thus gained along with a familiarity with the transactions leading up to the latest dénouement. Nowhere so noticeably as in this branch of reporting does the rolling stone gather no moss. There are, *per contra*, offsetting dangers: Continuous close contact may blind the eye to glaring defects easily spied out by another. Personal intimacy may warp the purpose to depict delinquencies truly. All sorts of lures are held out to the well-meaning journalist to induce him to shield or to boost, to misrepresent or to forget, to help kill off or to aid in putting over.

THE READER'S INWARD CONFLICT

In municipal matters most of all, there are two kinds of news which

the townsman wants his newspaper to print. He wishes, it is conceded, to be kept informed about his local government and his city officials, he is keen to read what is going on in the city hall and court house, he wants to know how mis-cued things may be righted, how the community may be improved, how taxes may be lowered. He also wants to be told if anything is going amiss by public servants falling down on their work or betraying their trusts and what should be done for correction. All this he desires for his own perusal and information and that of like-minded fellow citizens. Here he wants the truth, the whole truth and nothing but the truth.

But the newspaper is regularly urged by the self-same townsman to disseminate matter as news which he himself already knows and does not care to read, yet which he would like to have others read, would even force them to read. The same applies to certain things which he objects to seeing in print because others too would see them. He wants his town to shine in its most effulgent light. It's a fine place to live in. It's going forward all the time. Its improvements warrant bragging. There's nothing really wrong about it under any circumstances and its affairs are well administered, surely better than in any other town of equal size and resources. A standing invitation bids the stranger to visit our town and do business with us, to locate here and share all the glorious advantages we possess. Of course, there are always a few chronic fault-finders and knockers, but the newspaper should pay no attention to them. Clearly, it is not easy to reconcile what Mr. Intelligent Citizen wants his paper to print for his own instruction or protection or delectation and what he wants it to print for the outside world to read.

EDITOR PRESSED BY SELF-SEEKERS

Nor can the inevitable personal and selfish interests involved in nearly every problem of municipal government be overlooked. It may be simply the insistence of one part of the city to get "its share" of the money voted for public works, perhaps at the expense of more-needed improvements elsewhere. It may be the natural quest for relief from tax burdens regardless of a mere shifting to different shoulders. It may be the use of influence to retain unfit dependents on the payroll. It may be the questionable contract. It may be the perpetual interplay of greedy "ins" and covetous "outs." Self-styled reform movements are by no means always the least self-seeking. In all these cases, the conscientious journalist has to weigh conflicting claims and sift the evidence dispassionately if he is to avoid being used as a mere cat's-paw. His customary cynicism is readily accounted for, the temptation strong to cry, "A plague on both your houses!" I do not hesitate to assert that in most cities a completely de-bunked reporting of municipal affairs would present a ludicrous picture of competitive scrambling for the coign of vantage. Accepting the well-backed contention that there is no such thing as neutral news, the editor must be particularly alert to the real welfare of the community when he takes sides, as he usually must.

What entitles city matters to a preferred claim to newspaper consideration? It is the direct touch of the local government with every inhabitant of the area within its jurisdiction. Every person permanently abiding or temporarily sojourning there, every property owner, resident or non-resident, every one trading within its borders, in one way or another enjoys the benefits or suffers the evils of a good or a bad city government and ought to have a

lively concern in it. The contact here is closer and more direct than that of the state or federal government, the men in executive positions are acquaintances or neighbors, in the degree the city prospers so prosper those who dwell in it. Still what is nearest home does not necessarily interest most, what is recurrent is not unusual, what is under our eyes is not apt to appear in proper perspective. When we were regaled with the famous series of magazine articles on "The Shame of Our Cities," very little of what was imparted had not been already published piecemeal by the press of the communities concerned. In a word, the there-collected disclosures of municipal rottenness, though furnishing a new view startling to the reader, were not to be taken as a blanket indictment of all the newspapers issued in those localities.

NEWSPAPER MECHANICS

After this survey of the difficulties, a more profitable inspection of the internal mechanism of municipal reporting should be possible. First the method of covering this news field is worth noting. The general practice is to depend upon one member of the staff who gives it his special and often exclusive attention. He must be a seasoned reporter, perhaps the political reporter; he has the city-hall run; he keeps his own "morgue" and reference files; he draws assignments to cover cognate events; he is the reportorial pole-horse in the city election campaign. He knows, or should know, how to take a "hand-out," how to distinguish between what some one wants printed to fool the public and what the public is entitled to read. After his apprenticeship in the service, this man as a rule is better informed about the city government and all the people connected with it in responsible capacity than any one in official authority, not to say any one looking in casually through the window.

The entire grist of municipal reporting cannot be handled by one individual. Matters pertaining to the city and its administration are arising on every run. Stories may be popping in such numbers and with such celerity and in so many places that the whole corps for the moment are covering the municipal news. For big doings, the star reporter will be specially assigned, and his versatility is supposed to equip him to chronicle in readable fashion one subject with equal facility to another. What finally finds its way into type is frequently not written at all by the news-gatherer but by the desk man, or re-write, who takes it over the telephone and assembles and integrates a succession of telephone messages from one or several reporters. The photographer, the cartoonist, the make-up man, each has a contributing rôle. The headlines are always supplied in the office. So, in its entirety, the standard of reporting the municipal government must be on a level with the paper's general standard of reporting and reflect the average intelligence and journalistic training of the staff. Observe that I refer to reporting which is distinct from the stint of comment and interpretation devolving on the editorial writer. Ordinarily, editorial treatment is none the less predicated wholly on the presentation of facts, and often the inferences, made by the reporters, yet it may adopt a different tone.

CRUSADING

Municipal matters offer the newspaper an inviting arena for what is called crusading. News is news only when new. That is why papers strain for first news. Since repetition is not news, otherwise prime news already printed in earlier editions or by a competitor is shunted into secondary posi-

tion. But the telling effect of iteration and reiteration is not to be gainsaid—it is the key to the very existence of advertising. And to stir a community to realization of conditions crying for reform, nothing in the power of a newspaper exerts so great influence as to ring the changes from day to day and to drive down every nail by cumulative hammering. In such a campaign, all the various implements of the shop may be requisitioned—the news item, the feature story, the editorial, the graphic chart, the photo and the drawn picture, letters to the editor, machine poetry, fiction, jokes. As by little drops of water, the mighty ocean of public opinion will be slowly built up and finally lashed to fury.

Less spectacular, but likely to produce more lasting results, is the educational campaign which, too, finds fallow ground in the municipal field. A series of competently prepared articles, cleverly written to sustain interest, to my mind constitutes the best school for popular instruction in city government. The possibilities are unending and the variety of approach ample. Taking one subject at a time, following it out and inviting discussion by the public, will prove exceptionally serviceable to focus the eye of the community, elicit an active response, reinforce promising proposals, bring invaluable support to desired projects. Articles along similar lines, furnished on request by the officials or by specialists, work to the same end but are generally less readable. A symposium is peculiarly adapted to a debatable question of municipal government. Discussion by experts of problems common to all cities can be helpful if held to the comprehension of "the man in the street" rather than directed to the college graduate. Diversity will be injected by leavening with like information human interest stories of the men and women prominently identified with different municipal activities, describing their achievements as public servants and revealing their views and plans. The newspaper which engages in these educational campaigns will be doing on its own account for its town what a bureau of municipal research does for one of the few large population centers able to maintain it, and often more, too, because the studies and findings of such a bureau, like the ponderous municipal reports, usually have to be translated for newspaper readers.

OPTIMISM FOR THE FUTURE

I confess that I am not won to the idea that municipal matters would fare better if reported by an endowed newspaper or by one officially conducted and published. These suggestions, when tried out, have led invariably to disillusion. The city-owned papers which I have seen are only self-advertising house organs or lifeless legal-notice bulletins. At best such publications are ineffective enterprises because they do not appeal to those whose attention the established journal commands. Does anything encourage hope for more satisfactory treatment of municipal affairs in the press? Discarding deceptive visions, the promise rests, as I see it, in a quickened further development of newspaper character and initiative. While measuring success on the same monetary scale as the commercial venture, the present-day newspaper is more than ever consciously dependent on the esteem and loyal devotion of its patrons which it must earn and retain or go both readerless and advertisementless. Understanding that the unwavering confidence of the community is absolutely necessary to its salvation, the sense of public obligation should be sharpened automatically in the mind of the journalist aiming at success. Shortcomings there are and will be but,

fortunately, the policy of liberal independence is becoming easier as political patronage and legal advertising contracts cease to strike audibly by comparison on the newspaper cash register. Honest differences of opinion must be allowed for, and the unavoidable cross currents of our complicated urban life reckoned with, to stay impatience, but there is no good reason why an upstanding newspaper in each American city should not be responding wholeheartedly to the best ideals of municipal government and contributing materially to their progressive consummation.

OUR AMERICAN MAYORS

XVI. JAMES ROLPH, JR., OF SAN FRANCISCO

BY WILLIAM M. HINES

Publisher of The W. M. Hines Publications of California

James Rolph, a champion long-distance mayor, qualifies as Playboy of the Western World. :: :: :: :: :: :: ::

Mayor James Rolph

To appraise a man who has been elected five times mayor of San Francisco, and perhaps can be elected a few more times if he wants the office, a story they tell about "Mission Jimmie" Rolph will help.

As the story goes Mayor Rolph was called to address a gathering of men at the Civic Auditorium, the city's heritage from the Panama-Pacific Exposition. After he had been introduced he arose to greet his hearers with:

"Brother Knights and fellow Masons!"

Whether the story be true, or whether it is merely one of those myths that enshroud Rolph's ability to remain mayor longer than any other man in America ever has been mayor of a metropolitan community, it serves to illustrate a characteristic that is typically Rolphian. He attempts, and usually succeeds, to be all things to all men.

Rolph has capitalized Babbitry in the heart of a metropolis; he has flaunted Native Son-ism before cosmopolites; a man of wealth, he has sought principally the plaudits of labor. He is a master of showmanship, the arch-priest of fakery. Ambitious and with an eye for the governorship of California or the United States senatorship, he has never been able to attain either.

While a Republican he obtained the Democratic nomination for governor;

though he is a member of every Republican electoral college for twenty years, a majority of his appointees in his administration have been Democrats. His counselors have been the late Gavin McNab, the Democratic boss of California, and Judge Matt I. Sullivan, who swings equal power among the Republicans.

A GREAT SHOWMAN

Yet this is only one side of Rolph. Politically he is octangular. He has a great heart in him. He knows most people swell with pride at association with "the Mayor," and he takes delight, with no small degree of sincerity, in making the lowly citizens feel on common ground with their mayor.

Here is a typical Rolph trait. On a recent rainy day he was being driven to the city hall when he espied a slip of a girl in a gingham dress standing on the corner in the downpour, waiting for a street car. The power was off. Rolph stopped. Out of his limousine he hopped, and bending over the child, asked where she was going. "And won't you let my driver take you home?" said the mayor. He escorted her into the car, directed the driver to take the little black-haired, blue-eyed child home, pulled his coat collar up around his neck and walked in the rain three blocks to his office.

That's Rolph. He is dramatic in public and in private. He will be late to any civic meeting, and nine times out of ten he has stopped in at the home of some street sweeper to see how Mrs. O'Malley and the kids are getting along.

On the other hand, the highest dignitary of the nations of the world might be visiting San Francisco and, if paraded up Market Street, Rolph will take as many bows with his silk hat as the dignitary. He just can't help being part of the show.

San Francisco is called "the play city." Rolph has helped make it so. He will order the siren on the Ferry Building blown, or the streets decorated with flags and bunting, on the slightest provocation. Hardly a week goes by without a parade up Market Street with Rolph leading the show. Most of the time it is a motion picture actress up from Hollywood.

Rolph adores Hollywood. He has as many friends there as in San Francisco. He went to Valentino's funeral, and he drove all night to get to a breakfast planned for Texas Guinan.

"Playboy of the West," he gives more time to events of this character in recent years than he does to city business. With a charter that gives the mayor of San Francisco extreme powers, Rolph has practically turned the reigns of government over to the chairman of the finance committee. They are bitter enemies, but the leading banker of San Francisco has found it advisable to make the lion and the lamb lie down together. Rolph dislikes a fight, except at election time. The rest of his term he believes in letting "George do it."

MUNICIPAL OWNERSHIP

And George has done it. George has run San Francisco on the shoals of municipal ownership to the point where, today, San Francisco is bonded for $161,000,000. Twenty years ago the bonded indebtedness was $8,000,000.

San Francisco has gone into the municipal ownership of street railways. It has also almost gone into bankruptcy by the same route. Millions put away for depreciation and reserve, at the time when San Francisco's municipally owned lines were the only means of serving those who attended the Panama-Pacific Exposition in 1915, have been dissipated. The charter

says that municipally owned utilities shall not pay wages greater than paid by competing businesses. Rolph has wiped this law off the slate. Prior to election he has agreed to pay anything, and they have made him live up to his promises after election. San Francisco's municipally owned lines are running into debt at the rate of $250,000 annually. The people have refused to vote more bonds. Where the tangle will end no one is willing to hazard.

Rolph fought for municipally owned street cars. He promised a seat to every passenger. They have more "strap hangers" today than the private lines. He said the "Municipal Railway will be a gold mine." Auditors have proved it to be a gold brick.

Rolph, those who know him say, does not believe all he says about municipal ownership. On this question he bows at a single shrine. He worships at the altar of William Randolph Hearst.

ROLPH AND HEARST

Hearst owns two newspapers in San Francisco. Rolph fears them. He would like to break away from Hearst, but he doesn't dare. When Rolph ran for mayor the last time the writer was publisher of the *San Francisco Bulletin*. It was the only newspaper that had supported him from the start of the campaign. Every day in conferences with Rolph he worried about what Hearst would do. He begged for support, but Hearst would not give it.

A week before the election the *Bulletin* took a straw vote of San Francisco much after the manner of the *Literary Digest* and tabulated it. We showed Rolph that he would win the election by a majority of 31,000 votes. Other papers openly fought him; Hearst was silent. We showed him that he didn't need Hearst and could win single-handed. But he worried, and two nights before the election he issued a statement advocating the municipal ownership of power lines as a bid for Hearst's support. The next day Hearst editorially endorsed Rolph but also a board of supervisors which would tie his hands. On election day his majority, instead of being 31,000 as the *Bulletin* had forecast, was 33,000.

Beg as he would before election for Hearst aid, Rolph flatly refused to follow Hearst orders not to sign a contract to sell to the Pacific Gas and Electric Company surplus power generated at the municipal dam. Rolph signed the contract and the city has been getting $2,000,000 annual revenue from the sale of power that would otherwise have gone to waste.

CAMPAIGN TACTICS

That Rolph has been able to be mayor of San Francisco for nearly twenty years, has been due to the single fact that his opponents have never been his political or business equals. Rolph has been the lesser of two evils, except at his first election when San Francisco was coming out of the throes of its famous graft days.

In the picking of his opponents there was the fine Scottish hand of the adroit and extremely able Gavin McNab. McNab taught Rolph showmanship. He has written most of his speeches, which Rolph has thrown away as far as phraseology was concerned and delivered his talks in his own homely Rolphian style. During his last campaign Rolph went about the city shunning the halls and public gathering places and spoke to the people from the rear of a wagon, accompanied only by a high-school yell leader who would whoop up the crowd.

In simple and direct manner Rolph appealed to the voters as being one of

the people. With silk topper, faultless dress, red carnation in his buttonhole, and incongruous as it may seem, wearing his high-top boots, he went into the highways and byways literally, speaking on street corners with no other appeal than "Are you going to let these dirty, low-down scoundrels say the things, and whisper the things they are whispering about your Jimmy? Of course you are not. You think too much of your San Francisco to do that, don't you?"

He never gave a reason, never advanced an argument, never promised an improvement, never did anything except appeal not to let them say those things about "your Jimmy." And back of the scenes Gavin McNab goaded the opponents to attack Rolph with all the fury they could muster, to call him names, to attack his reputation, to vilify and condemn. And Rolph answered, "They're attacking your Jimmy. These bosses, that we drove out, now want to crush your Jimmy. Do you remember Kipling's Recessional, 'Lord God of hosts be with us yet, lest we forget, lest we forget'?"

One particularly sultry evening as Rolph was speaking the perspiration streamed down his face. As he stepped from the rear of the wagon women rushed up and took their 'kerchiefs and mopped his perspiring face. The women elected Rolph. They wouldn't stand for their mayor being slandered.

ROLPH'S START IN POLITICS

Rolph is a native San Franciscan. He hails from "The Mission" and points with pride as if this were a place of lowly origin. The fact is that when Rolph was a boy, the Mission was the aristocratic part of San Francisco. It was south of Market Street, but farther out than the district where the "Tar Flat" boys flourished and where Jimmy Britt, James J. Corbett and a dozen other pugilists spent their early days.

In his exploitation of the Mission as a place from where the common people sprang, Rolph has taken advantage of the lack of knowledge of most people that in those days there wasn't any other part to San Francisco. There was no north of Market Street section then except a restricted residential district of the multi-millionaires atop of Nob Hill, and Chinatown and the Barbary Coast just beneath its brow.

Local politics began to interest Rolph just prior to the fire of 1906. In telling about Rolph, Sidney H. Kessler, a friend and biographer, explains this episode in Rolph's life as follows:

"Rolph, seeing thousands of refugees from the flames in need of food, shelter and clothing, annexed a deputy marshal's star and on the Friday afternoon of April 20, 1906, he mounted his horse and rode through the Mission district, calling a meeting in his barn. Here the Mission Relief Committee was suddenly and promptly organized with 'Jim' Rolph as chairman, in the dark without so much as a candle for light. Next day food began to arrive; where some of it came from, nobody knew, but it was there when it was needed. Using a stall in the barn as his office, the 'Jim' Rolph of 1906 carried on until the early hours of morning administering to the refugees. Hard work and careful planning of this energetic and volunteer committee made it possible to handle the big task of looking after seven thousand refugees who stood daily in the bread line which extended around the entire block. The temporary duties of that emergency body were perhaps the first expression of civic activity that gave young Rolph an insight into his own capabilities.

"When the emergency was passed and a new San Francisco emerged from

the ashes, other civic responsibilities began, one by one, to find their way to the desk of the rapidly developing young executive. When in September, 1906, the Relief Committee merged into the Mission Promotion Association, another step in the ladder was passed by Rolph; he was made president of the new body.

"Then followed active participation in the Islais Creek Inland Harbor Association, directorship in the Shipowners' Association of the Pacific Coast and trusteeship of the San Francisco Chamber of Commerce.

"The habit of being returned to office was already beginning to make itself shown, for Rolph served for three consecutive terms as president of the Merchants' Exchange and was one of the leaders in unifying the commercial interests of the city in the present Chamber of Commerce.

"Outside of San Francisco Rolph is known by many as the 'Exposition Mayor,' for during the Panama-Pacific Exposition in 1915 Rolph was a director of the association and was conspicuous in its activities, welcoming at that time visitors from all over the world.

"As one result of his activities in connection with the representatives from other countries at that and other times Rolph has medals and decorations enough to make his stalwart chest look like that of at least a South American brigadier general if he pinned them all on at once."

A GREAT ENTERTAINER

If he chose, Rolph could replace his boutonniére with any of the following orders:

Imperial Order of the Rising Sun of Japan.
Officer of the Order of St. Sava of Servia.
Officer of the Crown of Belgium.
Chevalier of the Legion of Honor of France.
Commander of the Order of Leopold I of Belgium.
Commander of the Royal Order of George I of Greece.
Officer of the Crown of Italy.
Commander of the Order of Orange-Nassau of the Netherlands.

Rolph has entertained high representatives of all these nations. He gave them no greater honors, however, than he has given the mayors of Chicago and New York, when they visited San Francisco.

He particularly is fond of Mayor Walker of New York. They are much of the same type of playboy. On a recent trip to New York Rolph was entertained by Mayor Walker and, not to be outdone when Walker came West, everywhere Walker went the municipal band escorted him. They serenaded beneath his window at the St. Francis Hotel from early morning until late at night.

Rolph believes in fun. Had one mayor not tried and failed to make San Francisco the Paris of America, Rolph would surely attempt it. "I believe San Franciscans are a fun-loving people. They don't take life too seriously," Rolph says in explanation.

He pays no attention to the charges that he is apparently all things to all people. His answer to his critics is final in the statement, "When I was elected mayor I was elected mayor of all the people, not of any set of people."

NEW YORK CITY'S INCOME

BY LUTHER GULICK

Director, National Institute of Public Administration

New York City is second only to the federal government in amount of taxpayers' money which it spends. :: :: :: :: ::

THE receipts of New York City in 1928 were $585,941,000. This does not include any borrowed money. It represents the regular yearly income which is available to meet the running expenses of the city. This is about 50 million dollars more than was received last year, and is more than twice as much as was received ten years ago. These figures for the New York City receipts during 1928 are drawn from a special report issued by Comptroller Berry within the last few days. It is a credit to the present administration that a financial report of the city should be available so promptly after the beginning of the new year. The revenues of New York City are greater at the present time than were the revenues of the national government up until 1917, when we entered the World War. From a financial point of view, New York City is second only to the United States Government in point of size in the entire western hemisphere. The revenue receipts of New York City are greater than the combined revenues of the state governments of Pennsylvania, California, Michigan, Illinois, Texas, and New Jersey, in spite of the great institutional, educational, and highway programs which these states have undertaken. The income of New York City is enough to maintain the city governments of Chicago, Philadelphia, Boston, Cleveland, Pittsburgh, and St. Louis.

MAJOR SOURCES

Where does this money come from? Four hundred and eleven million dollars, or 70 per cent of the total, represent the tax on real estate within the city. Another eight million dollars, which is less than 1½ per cent, comes from the tax levy on personal property which is collected with the real estate taxes. The state of New York turned over to the city to spend in carrying on the schools in 1928 over 34 million dollars, or about 5.8 per cent of the total receipts. A total of 43 million dollars is received by the city from the sale of water, from its investments in subways, docks, ferries, and markets. Fines and penalties contributed almost seven million dollars. Special assessments and charges upon real estate to meet the costs of paving, sidewalks, street widening, sewering, and other improvements amounted to 19 million dollars, not including 13 millions of special assessments levied in the tax rates.

CITY'S SHARE OF STATE TAXES

A very unusual feature of New York City's revenue is the large amount of money which is received as the city's share of taxes which are levied and collected by the state. These are:

1. The personal income tax of which the state turns over one-half of the amount it collects to the local units of government in the state, in proportion to their assessed real estate valuations. Last year New York City received from this source $21,270,000.

2. The income tax on corporations collected by the state of which one-third is paid over to the local units of government. From this source, New

York City received almost nine and three-quarter million dollars.

3. A new state income tax on banks went into effect during 1927 replacing the old bank taxes. All of the taxes collected from New York State trust companies and banks are paid over by the state to the cities in which the banks are located. During 1928 New York City received from the banks slightly over six million dollars.

4. The state levies also a tax of 50 cents for each $100 on mortgages. This is collected by the county officials at the time the mortgage is recorded. One-half of the amount collected is turned over to the state and one-half to the local unit of government in which the mortgaged land is situated. From this mortgage tax New York City received four million dollars in 1928.

5. The state gives New York City's five counties a share also of the motor vehicle license tax. Of the licenses taken out by New York City automobile owners, the state keeps three-fourths and the city receives the remaining quarter. In 1928 this was three and a third million dollars.

The total amount received by the city as its share of these state taxes was thus 45 million dollars, or 7.68 per cent of the total receipts of the city.

ONLY ONE ELASTIC TAX

While the city authorities can increase the receipts from licenses, permits, fines, and minor charges for departmental services, there is only one important source of revenue which can be increased or decreased to balance the budget. This is the tax levy on real and personal property. This is the city's only elastic source of revenue. During recent years there has been a reduction of the tax rate. This has come about, however, not as the result of a reduction of the budget, but primarily as a result of the increase of assessed valuations. The highest tax rate in the history of the city was in 1921, when it reached $2.77 per $100 of assessed value. In 1928 the rate was $2.66, or 11 cents lower. These rates do not include the slight additional levy for certain improvements which vary from borough to borough.

The state constitution limits New York City's tax rate for local purposes, other than the debt, to 2 per cent of assessed values. Only once has the city needed all of this amount. In 1928 another 12½ million dollars could have been levied without exceeding the legal limit.

REVENUE TRENDS

A study of the city's revenues which was undertaken on behalf of Mayor Walker's committee on budget and revenues, shows that the most important changes which have taken place during recent years are, first, the growth in the amount of money which the state is turning over to the city for schools, and second, the development of the new state policy of distributing to the cities a share of the state taxes. In both of these movements the state of New York has gone further than most of the other states in the Union. This program has been advocated for many years by the state tax department and by the Legislative Committee on Taxation, of which Senator Seabury C. Mastick is now chairman. The reasons for this policy are:

1. To relieve the financial difficulties of the cities which arose with the increase of prices following the World War.

2. To relieve real estate of the rapidly growing burden which was thrown upon this single source of revenue because of the fact that the property tax is the only elastic revenue available for the cities.

3. To furnish larger revenues for

education in recognition of the state's responsibility for the schools and because there is no important field of local activity in which the needs have grown faster than in education.

The general success of this program is shown by the fact that though there has been a tremendous increase in the revenues of the city, the proportion falling upon real and personal estate has been reduced slightly from 76 per cent in 1918, to 71.6 per cent in 1928. The *true* tax rate is also probably lower than it has been at any time since the beginning of the World War, if we adjust assessed values to a comparable basis. The amount of state aid available for education within the city has increased from two and a half million dollars in 1918 to 34 million dollars in 1928. In 1915 the only state taxes in which the City of New York shared were the bank tax, the mortgage tax, and the liquor excise tax. It will be seen, therefore, that the new taxes in this field are the personal income tax, the corporation income tax, and the motor vehicle license tax. With these new taxes the city is now receiving as a share of state taxes over four times as much as it did in 1915. It is thus evident that the program of the tax committee and the tax department is producing the desired results.

NEW SOURCES

As we look ahead for the next few years, it is probable that the city will require additional sources of revenue. It seems rather obvious from what has appeared in the press with regard to subways, street widening, bridges, schools, hospitals, police, repaving, street cleaning, playgrounds, parks, elimination of grade crossings, and water supply, that we must look forward to an increase in the expenditures of the city. Though a large part of these expenditures will be met with borrowed funds, the time will come when the loans must be paid with taxes and other revenues.

CHARGES FOR SERVICE

There are two important avenues along which we may find the added reveenues which the city needs. In the first place, we should endeavor to place a larger proportion of the costs of furnishing improvements and governmental services upon those who are directly benefited by these services. The city is already levying special assessments for development of streets, sewers, and parks. There has been a great deal of discussion of the use of special assessments to pay at least in part for subway construction, but as yet nothing tangible has been accomplished. Several official bodies have recommended the establishment of what is called an increment tax which involves the levy of a special tax in addition to the regular real estate tax, upon any increase which may take place in land value.

A large part of the water furnished by the city is sold on a frontage basis and not on the basis of the amount of water consumed. The gradual installation of water meters would make it possible to make fair charges for water consumption.

The owners of motor vehicles are falling very far short of paying their fair share of the construction and upkeep of our streets and for the control of traffic. The enactment of a state gasoline tax with a distribution of a large part of the amount collected to the localities would serve to place a somewhat fairer burden upon those who benefit from the use of our streets and highways.

If the city administration would make a thorough study of all of the services which it renders to individuals and to corporations, it is certain that the opportunity would be found of

placing a very much larger proportion of our total expenditures upon those who benefit directly as a result of the city services.

NEW STATE TAXES

The second method whereby the city may secure additional resources is through the development by the state of taxes which may be shared with the local units of government. Because of the complexity of modern economic life, we are finding that it is almost impossible to develop any important tax without placing the administration in the hands of the state or nation. This is especially true of corporation taxes, income taxes, inheritance taxes, and gasoline taxes. The fact of the matter is that the boundaries of cities, towns, villages, and counties do not follow natural economic boundaries. This makes it almost impossible for the smaller units of government to administer these new taxes. Of course, state lines do not follow economic boundaries very much better, but, after all, they are sufficiently far flung so that they encounter fewer inconsistencies and difficulties. We must look forward, therefore, to the development of new state taxes which may be shared with the municipalities. During the years which lie immediately ahead, we may expect to see the enactment of a gasoline tax, the enactment of a tax on unincorporated business, and a further increase of state aid for schools. If such a program is carried into effect, the City of New York will have the revenues which it must have without any material increase in the tax rate which is levied annually upon real estate.

RELATION OF BUILDING HEIGHT TO STREET TRAFFIC—A REPLY

BY HERBERT D. SIMPSON
Northwestern University

Dr. Simpson rejoins to Mr. Goodrich's rejoinder.

In reply to Mr. Goodrich's criticism[1] of my article on "The Relation of Building Height to Street Traffic,"[2] I think I need only say that I should agree entirely with everything Mr. Goodrich has said. Indeed, it would scarcely be possible to think otherwise; and if Mr. Goodrich will refer to page 411 of the original article, he will find a graph illustrating the situation he suggests, namely, a "four-block district," with a limited number of entrances. The point on this graph designated "Point of entry and exit" illustrates one of the peaks of traffic density which Mr. Goodrich discusses.

On this graph it is obvious that, with the number of approaches remaining the same, if the building height and occupancy of the district reached by these approaches are doubled, the number of pedestrians passing through the entrances morning and evening will be doubled; if the height and occupancy are trebled, the number passing through the approaches will be trebled, and so on.[3] This must be so obvious that

[1] See the National Municipal Review for February, 1929, pp. 94–96.

[2] National Municipal Review, July, 1928, pp. 405–418.

[3] Except that Mr. Goodrich's equation assumes

both Mr. Goodrich's elaborate algebraic equations and my own illustrative graph are entirely superfluous, so far as this point is concerned; and, in fact, I intended the graph only as a starting point from which to move to an entirely different aspect of the problem.

This problem is the influence of building height on the average volume of traffic traversing the streets of the district in question. On the graph, for example, this would mean the traffic count, for twenty-four hours or other period, on blocks C, D, F, J, and any other blocks within the district affected by the alternative building heights under consideration. This was stated clearly in the original article, as on page 406, where the statement was made:

> Changes in this average amount of traffic, it is true, will not necessarily throw much light on problems of maximum density of traffic at particular times and places.

There are many other points of peak traffic with respect to both time and place, in some of which building-height is an important factor; with others of which building-height has no more to do than the moon has. So that we have here two very distinct problems, one of which is concerned with the average volume, the "steady run" of traffic—the substratum of a traffic structure; the other with the various peaks of traffic density superimposed upon this substratum; and to a considerable extent the two are governed by different sets of conditions.

A TWOFOLD PROBLEM

The article in question was a study of the former problem, a study solely of the relation of building-height to the average volume of pedestrian and vehicular traffic. The formula suggested is applicable and the conclusions pertinent only to situations in which the problem, or one of the problems, is to estimate probable changes in the average volume of traffic traversing the streets of a district in consequence of contemplated changes in building-height.

I may add two observations, the first of which is occasioned only by the fact that Mr. Goodrich apparently had not read my article carefully before formulating his criticism. On page 95 of his criticism he says:

> Since the whole analysis omits consideration of a time factor with reference to movement . . . and since it is unreasonable to assume any different velocity . . . with different building heights . . .

At page 416 of my original article, footnote 1, the statement was made:

> We are, of course, assuming the same pedestrian "velocity" in both cases, which is a safe assumption wherever adequate street and sidewalk width is provided.

And finally, Mr. Goodrich concludes with a statement, with which likewise it would be difficult to disagree:

> No engineer would design a bridge for the average load moment, nor would a competent city planner determine the width of a street or sidewalk for average traffic conditions.

What we try to do in the downtown sections is to build streets that are cut to fit exactly neither the average nor the peaks, but that will take care of the general run of traffic comfortably; and then we expect people to put up with a

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that the pedestrian traffic and the "total occupancy of the district" are the same things; whereas the pedestrian traffic, at the points of approach to the district and elsewhere, is made up not only of occupants of the buildings in the district but of shoppers, clients, agents, callers, sightseers, and casuals of many varieties, whose number may or may not correspond to the height of buildings. But this assumption, I take it, was made merely in order to simplify the algebraic equation, and, as such, has my entire sympathy.

little crowding mornings and evenings, "dollar days," and on other special occasions. And that is about all that can be done. Certainly no engineer in his right mind would design streets in the downtown sections to provide comfortably for the *maximum* traffic that would sometimes concentrate there if there were room for it. That is, if we provided sufficient street and sidewalk width to accommodate comfortably—on baseball days and other special occasions—all the pedestrians and vehicles, the street cars, motor busses and trucks, the shoppers who want to look at the window displays, the curious and otherwise who will congregate to gaze at a "Flagpole Jim" doing a sitting marathon on the flag pole of the Morrison Hotel, the "movie" crowds, and the cars of business men, tourists, and others who *would* be there if they could park,—if we provided street width to accommodate all of these people comfortably on all occasions, there would be little room left for anything else.

But these commonplace observations as to what we do or don't do, do not get us anywhere. What we need is more of the facts, upon which to base future policies. In the article under discussion, I pointed out two or three definite facts bearing upon the relation of building-height to average volume of traffic. There is still plenty of "sidewalk width" for any one who wishes to discuss the problems of getting into and out of a district, the various factors that condition the peaks of traffic, and all the other aspects of the general traffic problem.

Perhaps I may add, though it seems scarcely necessary, that the article in question was in no sense an argument against city planning, height limitation, or other regulation. There are probably few readers of the NATIONAL MUNICIPAL REVIEW who would go farther than the writer in favoring social control in the future planning and direction of cities and urban areas. But these policies should be based on facts, wherever the facts can be demonstrated, rather than on mere opinions and attitudes.

Whether my exact formula of a square-root relationship stands the test of further criticism and experience or not, at least it should help somewhat to clear the ground definitely of the old idea that changes in building height must necessarily be reflected in direct and *proportional* changes in the amount of street traffic; and that if you double the building-height, there will be twice as many people on the streets; if you treble the height, there will be three times as many, and so forth. That conception of the problem is as naïve, and as erroneous, as a belief that the earth is still as flat as it was before Magellan circumnavigated it.

ESSENTIALS OF AN EFFECTIVE FIRE PREVENTION BUREAU

BY HAROLD A. STONE

Chief Engineer, California Taxpayers' Association

As explained in the NATIONAL MUNICIPAL REVIEW[1] for February, a new trend towards the establishment of well-manned and effectively organized bureaus of fire prevention is taking place. Inasmuch as many cities, both large and small, have already responded to the new movement, it is appropriate to consider what constitutes an effective bureau. How should it be organized, manned, empowered, and what method of operation should it use?

A successful bureau is one that is controlling fire hazards. This control reduces and eliminates conditions which may start or aid the spread of fires. It also aims to provide for the escape of occupants in case of a fire.

THE FIRE PREVENTION CODE

A well-organized bureau working under inadequate fire laws is seriously crippled when compared with one that has full authority to do whatever may be deemed necessary for the protection of the citizens. The up-to-date fire bureau has a fire prevention code. The code should confer wide discretionary powers upon the bureau since no detailed legislation can cover every circumstance. Minimum requirements demanded of garages, theatres, storage of hazardous materials, special occupancies, etc., should be set up and penalties should be provided.

Better codes provide for a board of appeals to which aggrieved persons can take their troubles for review. As in the case of zoning, the success of obtaining compliance of discretionary orders largely lies with a conciliatory board. They can, in many instances, take off the sharp corners of orders of the bureau to appease the appellant and, at the same time, obtain the major part of the improvement.

Adequate zoning and building restrictions are essential in controlling fire hazards. Proper zoning and city planning can provide for the building of fire stops, which San Francisco did not have prior to its famous conflagration. It can also keep dangerous establishments out of high-valued districts.

A building code and an electrical code are certainly needed in all sizes of cities. Those ordinances should approach the scope and rigidity of the requirements of the model codes published by the National Board of Fire Underwriters, Bureau of Standards, and the Building Code Committee of the Department of Commerce.

ORGANIZATION

The type of organization and methods of operation can be set up after the work of the bureau is clearly understood. The work of the bureau in controlling hazardous conditions is divided into five phases: (1) routine inspections, (2) technical surveys, (3) determination of the causes of fires, (4) granting of permits and certificates of approval, (5) education and publicity. Many little violations of the fire ordinances and the daily creation of dangerous conditions caused by the "human hazard" can be ferreted out by

[1] "Balancing Prevention with Fighting within the Fire Department," by Harold A. Stone.

continuous routine inspections. On the other hand, major improvements in occupancy and structure which, from past experience, have demonstrated their worth in bettering conditions, are to be found and recommended in comprehensive technical surveys. Because knowledge of the causes of fires is fundamental in preparing remedies, each fire is to be investigated to discover its cause and origin. Permits and certificates of approval for machinery, supplies and manufacturing processes are necessary to safeguard innocent persons from the inexperience and negligence of others. Education plays its part in acquainting the public not only with hazards, but also in ways and means of prevention. It can be seen from this brief outline of the bureau's work that the things to be done can be rather definitely defined.

Some branch of the municipal government should be charged with the specific duty of fire prevention. It is deemed best to centralize this responsibility in a fire prevention bureau. The best place for the bureau is in the fire department, on an equal footing with the fire fighting division. Thus, each of the two divisions of prevention and fighting will have a separate chief in the larger cities of say 500,000 population and over, while those in the smaller class can be successfully managed by placing the head of the bureau under the chief of the main department. The larger places will necessarily have a fire commissioner in charge of all the fire protection forces. Some municipalities have no separately organized bureau, but rather join the work of prevention with fighting, as is practiced in San Francisco and Troy, N. Y. It is found in such cases that prevention is of minor importance only and is generally slighted. This is not the desirable arrangement.

PERSONNEL

The bureau should be manned by a carefully selected staff. Broadly speaking, it will be made up of three classes of employees: (1) fire prevention engineers, (2) uniformed men from the station houses, (3) clerks and record keepers. The engineers must necessarily do the technical work in surveys of factories and large buildings. Their reports will contain recommendations for improvements. The second group on the staff will make most of the routine inspections to correct violations of the ordinances. Stenographic duties, statistical information, and compilation of records can be done by women clerks rather than by big brawny firemen, as is so often the case.

At least one engineer is needed in the smaller towns of say 20,000 and under. It is advisable to place him in charge of the bureau, which may oftentimes be combined with the bureau of buildings, to form a bureau of building and fire prevention. These two are not to be combined in the larger cities. The larger municipalities will need several different types of engineers, such as civil, chemical and mechanical. The more the city is industrialized, the larger the number of engineers that will be needed, but the number required is a local problem, according to the volume of work to be done. It appears that a larger number in the mechanical field will be found desirable rather than to draw upon the other two fields for additional men.

Several cities are successfully using a central clerical and record-keeping staff for both the fire department and the fire prevention bureau. Others separate the work, while a large number of cities have no one employed specifically for clerical services. This is obviously a mistake. A young clerk of average training is much better

fitted for this type of work than the regularly employed uniformed fireman. The up-to-date bureau of prevention, as well as the fire department, is now employing women for this service.

The size of the bureau staff is, of course, dependent upon the size and type of city. In this instance, size refers to the number of full-time employees made up of engineers and clerks. At present, no general practice can be cited, as some of the largest cities have much smaller bureaus of fire prevention than a few of the smaller cities. Take Philadelphia and Fresno as examples. There are not more than a dozen active men physically fit for duty in the former city of 2,000,000 people, while five or six full-time men and women are employed in the bureau at the latter place of only 80,000 inhabitants.

The type of city has an important bearing upon the size of the bureau staff. An industrial city, with closely built areas of manufacturing plants, attended with the usual densely populated districts, presents a much more difficult problem to the fire prevention organization than a city that is simply residential in type. Concentration of high values, when surrounded by areas choked with fire traps, as in Los Angeles, likewise makes prevention work difficult. Because the positions in the bureau must be ranked with those in the department, the rate of compensation of the manager of the bureau and his staff is governed by rates paid in the fire department.

INSPECTIONS

At least one, and occasionally two, uniformed men from each station house should be detailed daily to make routine inspections in two-hour shifts. Transfer from the fire department to the bureau should be made so that the head of the bureau can direct the work of each man. A schedule of hours can be devised so that the company's force is not diminished from the required fighting strength. Oftentimes it will be found that additional men will not be needed to provide for this inspectional work when the fire department is operating on a one-platoon system. But generally an extra man is needed when a two-platoon system is used. This extra man, of course, is actually needed only during the time when one of the company's men is out in the field making inspections. Rotation is recommended, except in cases where an employee is not at all fitted for such duties.

Close coöperation between the fire prevention bureau and other departments of the city government is essential. These are the bureau of building, engineering and police departments, and the zoning and planning commissions. Similarly, cordial relationships with various civic bodies will be helpful. In fact, no small part of the educational program will be carried out by this latter group.

In the very large cities, laboratories will be needed where hazardous machinery and materials can be tested prior to their use. New York City maintains such a laboratory. Where the volume of testing work is not sufficiently large to warrant a laboratory, the bureau can look to the Bureau of Standards and the National Board of Fire Underwriters for special advice.

FORMS AND REPORTS

Part of the fight against the fire demon is with paper and pencil. A bureau without suitable forms, report cards, files and follow-up systems at headquarters should not receive as high a rating as one that is so equipped. Control of the details of the business cannot be efficiently or thoroughly ob-

tained without doing some paper work. This is an axiom that is just as true in a bureau of prevention as in any successfully operated business.

Every bureau should publish an annual report. In the larger cities, two types of reports will be found desirable. The first type is for the bureau's own use. It should completely analyze the year's work, and include comparable data covering the past several years. The second type of report, designed for the use of the city council and the general public and written in popular style, suitable for newspaper column can be a summary of the first. Statistics in graphical form are oftentimes more effective than a tabulation of figures.

The above elements of law, organization, reports, inspections and so on are merely tools to be used in the control of fire hazards. To be effective, however, the tools must be put to use and made active. It follows, then, that the last essential is the method or procedure of operation wherein tools are made to function.

WORK SCHEDULES

This procedure should be so designed that a typical work schedule shows the steps in sequence and a simple and direct line of travel for each operation for every step from the moment of origin to final disposition. Inspectional reports are not to be taken out of the follow-up file until violations are corrected and recommendations for improvement are carried out.

Inspections may be grouped into four classes on the basis of origin. The *first* covers those inspections and technical surveys originating from a schedule of all buildings (except dwellings) so arranged that each will automatically be inspected the required number of times per year. No building should be omitted; thus an audit is needed to see if all have been inspected at proper intervals.

The *second point* of origin of inspections is from applications for permits and certificates of approval. A line of travel from the time of origin to final disposition of all applications is needed. The reissuing each year of certain permits is the *third point* of origin for inspections.

Complaints account for the *fourth point* with respect to origin of jobs. Provision should be made for receiving these from the police department, bureau of building, and from the public. A bureau wishing to court favor of the citizens will report the findings to the person making the complaint.

The system is to be so developed that the bureau is in constant touch with all cases of violations of the code. Immediately following their discovery, orders for correction are to be served. Compliance with orders are to be obtained within a fixed maximum elapsed time by using a follow-up method. This particularly applies to violations of the code discovered by routine inspectors. The work can be expedited by close working agreement with the court, in case it is necessary to invoke the law to make offenders comply with the provisions of the ordinances. A summons can be made out by the bureau, signed by the court, and then served within a short space of time. On the other hand, recommendations for improvement, arising from a technical survey, cannot be obtained by a fixed method of procedure. Each case calls for individual handling, with due regard that it may be taken to court. It is far more satisfactory, however, to have a review before the board of appeals when objections are made by the owner or tenant, than to make a defense in court.

An arrangement is necessary whereby an engineer answers all alarms so that

an immediate investigation can be started of the cause and origin of each fire. The line of travel of such jobs depends upon the findings, whether arson, incendiary, preventable or careless fires. The police and state fire marshal should be called in the first two cases, while provisions of personal liability laws will determine the steps to be taken in other cases. A bureau would do well to place the responsibility for a careless fire directly upon the negligent person. It would be better still to enter suit in civil court against the culpable person to collect the costs of extinguishing a fire originating from carelessness. Owners of adjacent properties who suffer loss should be aided in their attempt to collect damages for such losses. The bureau that honestly attempts to place personal liability for fires, as is commonly done in Europe, and in a few instances in our own country, is to be commended.

RECENT BOOKS REVIEWED

County Government and Administration in North Carolina. By Paul W. Wager. University of North Carolina Press, Chapel Hill, N. C. Pp. 447.

Here comes the important fruition of fourteen years of work at the University of North Carolina begun by Professor E. C. Branson, who was a voice crying in the wilderness regarding the state of county government in the days when to be interested in that subject was even more of a distinction than it is now. On the scanty twelve-inch shelf of literature on county government, this volume becomes an important companion to the corresponding state-wide study which was made in Iowa under the corresponding title by Benjamin M. Shambaugh, William Anderson's *County Government in Minnesota*, and the realistic study which C. C. Maxey made of the three counties of Delaware in 1919.

This North Carolina study is based upon field investigations made in forty-three of the one hundred counties of North Carolina. It took three years to complete. After three chapters that review the legal and political history of the county as a unit in North Carolina government, Mr. Wager proceeds to describe realistically the way the counties do their work, function by function, an admirable arrangement which gives opportunities to match up the practice of progressive counties against the unprogressive ones in a circumstantial way that will greatly interest county officials in the state if they can be induced to read it.

In disclosing corrupt or inefficient practices, the author does not name names or places. Specific evidence is repeatedly suppressed under a generality which would appear to be pure opinion were it not clear by the context that the author could easily tell a great deal more and quote cases if he wanted to.

The mildness of the author's manner in speaking of the ludicrous backwardness of rustic administration is matched by a similar mildness in proposing reforms of a drastic and wholesale nature, and so the book, while nowhere nearly as juicy as it easily might have been under the circumstances, avoids the stirring up of wrath in the opposition and becomes a sober and useful instrument for persuasion and progress in North Carolina.

The program of reform to which the book gently leads the reader is the same as that proposed by the National Municipal League: the establishment of a structure of government that will provide a governing board, an appointive county manager, a drastic reduction in the number of elective offices, the abolition of coroners, an orderly budget procedure, and the making of the county seat a centre of culture and service. The county manager has already appeared in North Carolina by virtue of a law passed in 1927 which sounds like an excerpt from one model charter. The law reads: "The board of county commissioners may appoint a county manager who shall be the administrative head of the county government and shall be responsible for the administration of all the departments of the county government which the board of county commissioners has the authority to control. He shall be appointed with regard to merit only and he need not be a resident of the county at the time of his appointment. In lieu of the appointment of a county manager, the board may impose and confer upon the chairman of the board of the county commissioners the duties and powers of a manager as hereinafter set forth, and under such circumstances such chairman shall be considered a whole-time chairman. Or the board may impose and confer such powers and duties upon any other officer or agent of the county who may be sufficiently qualified to perform such duties and the compensation paid to such officer or agent may be revised or adjusted in order that it may be adequate compensation for all the duties of his office."

Iredell County has appointed a manager.

Davidson County has conferred the managerial powers upon the newly appointed county accountant. The author approves of this combination and states that it is an arrangement that will meet the need of half the counties of the state.

Guilford County has made the chairman of the board a county manager in name, although the auditor continues to exercise many of the powers that would ordinarily be exercised by a manager.

It is expected that there will be numerous other county managers of one type or the other within the next few years.

The likeness of this plan to the city manager plan will not be complete because the county treasurer, the clerk of the superior court, and the road commissioners remain outside of the manager's control.

The volume discloses that there is a group of people in North Carolina who have given more attention to the problems of county government than has been given to this subject in any other state, that very substantial progress and improvement have been made and that the promoters of these efforts are headed in the right direction, know rather exactly where they are going and are on their way. It seems likely that North Carolina will be the state from which will come the pioneer information of successful working of the county manager plan and of other vital improvements in county governments as an example to the rest of the Union.

RICHARD S. CHILDS.

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STATE ADMINISTRATIVE SUPERVISION OVER CITIES IN THE UNITED STATES. By Schuyler C. Wallace. New York: Columbia University Press, 1928. Pp. 288.

"In this day of industrial civilization no community can maintain an independent and isolated position." Hence, "the proper relationship of American cities to the governments of their respective states" becomes essential to an understanding of the local public process. Dr. Schuyler C. Wallace has not tackled the whole range of municipal-state relationship, a life job for any research student. He has selected the segment that promises the most fruitful findings under the attack of concentrated study, which is the State Administrative Supervision over Cities in the United States. In general, his attack has been to examine "the fields of local activity most commonly supervised and the mechanisms of control most frequently employed." An enumeration of the fields, however, reveals that while one dimension of his analysis is purposely narrowed another dimension is as large as the area to be measured. That is to say, the author has completely covered all subjects upon which, in one fashion or another, the city is harnessed with the state to the same doubletree. The major subjects, each affording a chapter in the volume, are finance, health, education, public dependency and delinquency, and municipally-owned utilities; the minor topics, combined in a single chapter, are fires and fire hazards, civil service, libraries, ports and harbors, and the incorporation of municipalities.

The outstanding contribution of Dr. Wallace is to establish beyond peradventure the place of state administrative supervision in the structure of American government and the extent of the acceptance of the philosophy of administrative supervision in our public law. We now know where we are.

Few specialists can turn to the chapters dealing with their fields without gaining from the concise treatment of the problems. He who appreciates the value of looking around corners will gain access to information previously unavailable or at best contained in fragmentary sources.

The author hazards a prognosis. American administrative supervision today is largely supplementary to legislative control of cities. The necessary relations between states and municipalities in Europe are chiefly managed through administrative agencies which are substituted for an earlier legislative control. He concludes that America will continue to pattern her state-city relations upon Europe, in general, and upon England, in particular, where "the emphasis is emphatically on what might be called the persuasive mechanisms of control." If the forecast is proved correct by the event, the content of American public law will be enriched, made more efficient in operation, and rendered more serviceable to civic life.

WYLIE KILPATRICK.

The University of Virginia.

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CITY GROWTH ESSENTIALS. By Stanley McMichael and Robert Bingham. New York: E. P. Dutton & Co., 1928. Pp. 430.

City Growth Essentials is the book we have been awaiting for twenty years or more. As a worthy successor to that most interesting book, published by Richard M. Hurd, entitled Principles of City Land Values, *City Growth Essentials* goes far beyond its predecessor in that it not only explains in an up-to-date manner the principles on which city land values are based, but also develops the whole relationship between real estate and public and semi-public improvements.

A book which would bridge the gap between city planning and real estate has long been needed. Too often the realtor has considered the city planner to be an impractical visionary,

while the city planner has considered the realtor to be a closed-minded reactionary.

This book differs from the research work of the Federated Societies on Planning and Parks and of the Institute of Research on Land Economics, in that it deals primarily with urban land rather than rural land, and that it approaches the subject on the "case work" principle in contrast with the more synthesized and more general studies of the other two bodies.

It differs from the interesting recent books on human geography and human ecology by such authors as Brunhes, Vidal de la Blache and Burgess, in that these latter approach the subject largely from the sociological and physical side. *City Growth Essentials* approaches it primarily from the economic and financial side. In a word, the book is a most laudable attempt to state the principles of city growth succinctly and, if possible, to reduce them to rules or laws.

The content of the book is divided into three parts: the first deals with the origin and growth of cities, their function, their types, facts determining location and affecting expansion, the effect of topography, and the part played by highways and transit in the cities' growth. The second part deals with real estate values, their bases and the factors influencing them, and then the differences between business, industrial and residential values.

Part three deals with modern tendencies in cities, showing that the United States is over half urban already; the effect of the automobile on decentralization; the growth of neighborhood shopping centers; the chain store; shifting business districts; the effect of streets that are too narrow, or too wide and one-sided streets; the tendency of business to move away from railroads and waterways; twilight zones; the skyscraper; racial and national groupings; the effect of zoning city and private restrictions; and the relation of the city to its citizens.

The final chapter, entitled "The City of the Future—a Vision," is delightfully imaginative, and yet who can prove that the astonishing predictions of the authors may not come true even within our own lifetimes?

City Growth Essentials is eminently inspiring and provocative of thought for the city planner and all interested in public improvements.

GEORGE B. FORD.

New York City.

QUANTITATIVE METHODS IN POLITICS. By Stuart A. Rice. New York: Alfred A. Knopf, 1928. Pp. xxii, 331.

In elementary courses in political science, instructors have often pointed out that some of the best treatises on government are written by others than natives of the country whose institutions are described. The publication of Professor Rice's stimulating volume emphasizes that nowadays some of the most novel contributions to political science are offered by citizens of neighboring domains. It has even happened on the other hand that venturesome political scientists wandering into such alien lands as border on psychology and psychiatry have returned bearing plunder which the natives pronounced fit only for the garbage heap. So we need not wonder that when an historian interprets the revolutionary movement in Massachusetts in terms of politics and psychology, and portrays the ravaging but dominating effects of three disordered personalities, overstimulated one by incipient disease, another by alcohol, and the third by an inferiority complex, many political scientists will feel an irresistible call to summon the classical figures of Burgess, Lowell, and Goodnow to banish such outlandish caricatures.

But Professor Rice puts squarely the question (and this is perhaps the chief significance of his volume, as also of Merriam's *New Aspects of Politics*) whether political scientists can or should return to a discipline compounded of history, law, philosophy, and the literary description of institutions. To know how institutions actually operate may be more important than to be able to state the legal presumptions about their operation. To know qualitatively, and that within the limits of severely restricted categories, was almost the exclusive preoccupation of American political scientists until the first conference on the science of politics and the Social Science Research Council began to throw up the windows. To know quantitatively whatever lends itself to quantitative treatment is however gradually winning acceptance.

To many younger men in the field Professor Rice's book will be a guide and a spur. In a dozen ways Rice shows how quantitative material can be got at, and how it can be handled. Most of the cases—the book is essentially a case book—have already been published, but their reproduction in a single volume is more

than a convenience; it is a landmark of the statistical method applied to politics. Skeptics may amuse themselves by knocking over statistical straw men, but serious students will appreciate the possibilities which Professor Rice opens up.

LEONARD D. WHITE.

The University of Chicago.

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READINGS IN PUBLIC OPINION, ITS FORMATION AND CONTROL. W. Brooke Graves, Editor. D. Appleton & Co., 1928. Pp. xxiv, 1281.

The preparation of textbooks is an uninspiring business. Few have enough courage today to do a genuinely independent job. There is a prodigious amount of unblushing plagiarism which goes unpunished because no one is sufficiently without sin to cast the first stone.

In contrast to the course of evolution which textbooks have taken, books of readings are beginning to display great variety in content and organization.

Beginning with books of documentary science material they have been slowly developed until today everything, from the pungent and penetrating utterances of Mr. Dooley to elaborate and excellent articles from the scholarly review, is to be found within their covers. The present volume represents one of the best efforts in this direction so far. Professor Graves has not only been indefatigable in his industry but he has displayed unusual insight and intelligence. Here is a book of readings that stands squarely on its own bottom. It is not a supplement but an adequate text in itself. Secondly, it is a pioneer work in a field that must undoubtedly soon be in the front rank of college offerings. To the reviewer, the opening portion relating to the psychological nature of public opinion and the effect of heredity is somewhat weak but no weaker than most of the stuff that has thus far come to us from our colleagues the psychologists and psychiatrists. The chapters which follow on the school, the church, the press, movies, theatre, radio and other institutions, are full of meat. So also are the materials assembled to illuminate the work of commercial and civic organizations.

Lastly, the publisher deserves some credit. Here is a sturdily bound, neatly printed book of 1265 pages for $6.00—less than half a cent a page! There isn't a textbook on the market as adequate or as inexpensive.

JOSEPH MCGOLDRICK.

Columbia University.

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A BIBLIOGRAPHY ON STREET AND HIGHWAY SAFETY is an extensive work prepared for the Committee on the Cause and Prevention of Highway Accidents, Highway Research Board, by the staff of the library of the Bureau of Public Roads.

It would require a good deal of effort to obtain a selected list of references from the 388 mimeographed pages of this inclusive bibliography if it were not for the detailed classification of subjects given in the table of contents. A useful list of the periodicals cited is also included to aid in the securing of the desired articles.

Owing to the limited edition, the publishers have requested that we make our copy available to those in the vicinity. Anyone interested will find it on file at the League offices.

E. C.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, New York University

Implied Powers—Municipal Business Enterprises—Use of Memorial Building to Exhibit Shows for Profits.—The use to which Kansas municipalities may put the memorial buildings erected under legislative authority[1] has been the source of considerable litigation in that state. Municipalities which had availed themselves of the power granted found themselves in possession of buildings with commodious assembly rooms which they were obliged to maintain at public expense[2] and it was perhaps but natural that the local authorities should have attempted to make the available facilities a source of revenue.

The first attempt in this direction, although the rental involved was only nominal, was a proposal to lease several rooms in the Kansas City Soldiers and Sailors Memorial Building to a patriotic organization and, in a taxpayer's action which was successfully maintained, the Supreme Court of Kansas, as previously noted in this REVIEW,[3] held that the city in the absence of express legislative authority was without power to lease any of the property to a private corporation even though organized solely for public purposes.[4]

Subsequently the supreme court had occasion to pass upon this question again and it became conclusively established that Kansas municipalities have no power to lease their memorial buildings to private parties for private purposes.[5]

The city of Hiawatha having been enjoined from continuing an arrangement whereby it had leased its memorial auditorium to a private person for the exhibition of road shows and moving pictures, the local authorities conceived the idea of conducting the enterprise as a city venture and began the exhibition of shows in the auditorium every week night, except on a few occasions reserved for other purposes, charging an admission fee which was about ten cents less than usually charged by other show houses.

This situation, the latest development in the activity of Kansas municipalities with reference to their memorial buildings, was recently presented before the supreme court of that state[6] and it was called upon to determine the power of the city of Hiawatha to use its memorial in connection with such an undertaking. That the enterprise of the city authorities in this direction was deemed unusual is perhaps indicated by the fact that the action to enjoin the activity was brought on the relation of the attorney general *in propria persona* and not by the usual "taxpayer."

It was conceded that there was no express authority in the act providing for the construction of the memorials[7] which empowered the city to engage in the moving picture business or any other commercial enterprise in the building and the court held that nothing in the powers granted by the legislature warranted the inference of an implied power for this purpose, but on the contrary that no such implication could arise as the legislature instead of providing that the expense of the maintenance should be met by the profits earned in carrying on a commercial enterprise expressly provided that the expense of maintenance should be paid out of the general fund, or, if insufficient, out of a special fund authorized to be created by taxation.[8]

It is interesting to note, that while the question presented by the facts of the case was adequately disposed of on the foregoing grounds the court evidently felt it necessary to consider the validity of a supposititious statute wherein the legislature had undertaken to confer such a power and to place itself on record to the effect that for a municipality to carry on the business in which the city in the present case was engaged "is beyond the reach of municipal powers, in that it is repugnant to our state policy as evidenced by the

[1] Kan. Laws 1921, c 256, Rev. St. 1923, 73–401.

[2] By-Laws 1925, ch. 247, "The expense of maintenance of said memorial shall be paid out of the general fund of the county or city, or in the case the same shall not be sufficient, shall be paid out of a special fund which shall be created; for which the counties or cities are authorized to make a levy of not more than five-tenths of one mill per annum."

[3] Vol. XVII, No. 2, p. 700, February, 1928.

[4] *Darby* v. *Otterman*, 122 Kan. 603, 252 Pac. 903.

[5] *Electric Theater Co.* v. *Darby*, 123 Kan. 225, 254 Pac. 1035; *State* v. *City of Independence*, 123 Kan. 766, 256 Pac. 799.

[6] *State* v. *City of Hiawatha*, 272 Pac. 113.

[7] See *supra*, note 1.

[8] See *supra*, 2.

constitutional, statutory and common law of the state."[1]

As the courts of each state may define the scope of the power of its local governmental divisions under the state constitution and the accepted public policy in so far as the extent of the power does not transcend the limits set by the Federal Constitution, the validity of a statute authorizing a city to engage in the business of operating a moving picture theater as incidental to the maintenance of a municipal auditorium, or any other commercial venture, would, of course, have to be determined by the courts of the particular state. That the Supreme Court of Kansas would consider such a statute invalid under the laws of that state is manifest from their utterance in the case under consideration.

In Ohio, in a decision noted and considered by the Kansas court, a city undertook by ordinance to appropriate public funds for a municipal moving picture theater and, the right to do so being challenged, the court concluded that it could not be done as the city would be engaging in a business for profit which was not a legitimate function of municipal government under the general laws of that state.[2]

On the other hand, in contrast to these decisions, it may be noted that in Nebraska the sale of gasoline and oil by a city has been found a proper function of local government and the power of the city of Lincoln to engage in this business was upheld under the provisions of its home rule charter.[3]

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Powers—Subordination to Federal Laws—Effect of Ordinance upon Maritime Immunity.—The U. S. Circuit Court of Appeal, Second Circuit, recently affirmed the decree of the District Court of the Eastern District of New York in holding that the absence of an express contractual stipulation the owner of a vessel upon its abandonment is not liable for the expense incurred in removing its hulk from navigable waters over the lands belonging to New York City (*Petition of Highlands Navigation Corporation*, 29 Fed. (2d) 37). The petitioner was the owner of the Nassau and the Grand Republic, which were burned and sunk in 1924 while lying at the city pier at the foot of 155th Street. The petition was filed for a limitation of liability under the general maritime law, recognized by the Rivers and Harbors Act of 1889 (U. S. Code, title 33, secs. 409, 414, 415), which relieves the owner of sunken vessels from liability after notice as presented to the secretary of war. The steamers were passenger excursion boats laid up for the winter under a rental contract with the city. An ordinance of the city provided:

> In case . . . a vessel shall be stranded, sunken or wrecked and be abandoned for 10 days, the commissioner shall notify the owner of such abandoned property or vessel, if known to him, to remove the same forthwith, and if the owner be not known to the commissioner, or is not within the city, or shall fail to comply with the notice, the commissioner shall cause such obstruction or vessel to be removed, and the expense of such removal shall be recoverable by action from the owner and shall be a lien on the property or vessel so removed until paid. If such property or vessel be not claimed within 30 days after the removal, the commissioner shall advertise the same for sale, at public auction, to the highest bidder in the City Record for six days. . . .

The court held upon authority of numerous precedents that the federal law must prevail over the provisions of the ordinance and that the city could not recover the expense of removing the hulks, in the absence of a contractual obligation assumed by the owner.

All powers of municipalities are necessarily limited by the federal Constitution, the laws and treaties made thereunder, as well as by the constitution and general laws of the state. This principle has been applied to the extension of municipal liability in cases of maritime torts (*Workman* v. *New York City*, 179 U. S. 552).

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Contracts—Surrender of Governmental Powers—Requirement of Competitive Bidding.—In *Gulf Bitulithic Co.* v. *Nueces County*, 11 S. W. (2d) 307, the Texas Commission of Appeals reversed the decision of the Court of Civil Appeals, 297 S. W. 747, which in an action for damages for the breach of a contract entered into by the plaintiff to supervise the construction of a county highway system involving the expenditure of some two million dollars, for six per cent of the cost, had declared the contract void as amounting to a surrender of the county's governmental duty and against public policy. In a lengthy opinion the court sets out in full the terms of the contract which expressly provided that the

[1] 272 Pac. at page 114.

[2] *State* v. *Lynch*, 88 Ohio St. 71, 102 N. E. 670, 48 L. R. A. (N. S.) 720, Ann. Cas. 1914 D, 949 (1913).

[3] *Standard Oil Co.* v. *Lincoln* (*Neb.*), 207 N. W. 172; *Mitchell Oil Co.* v. *Vehring*, 11 Fed. (2d) 887.

plaintiff's services should be subject "to the supervision, direction and instructions of the commissioners' court of said county." This provision was considered a complete answer to the claim that by the contract the commissioners' court had in effect surrendered its governmental powers.

As a further objection to the validity of the contract it was urged that it violated the statutory requirement of competitive bidding. The court points out that such a statute does not contemplate the inclusion of contracts for personal services involving special skill and experience. By the terms of the contract all labor, material, machinery, etc., were to be "paid for by the county under such terms and conditions as it may authorize and direct." This clause doubtless on its face might imply the intention to follow the provisions of the statute as to all purchases, but the opinion is silent as to whether this was the result in practice. If not, the lower court may well have been correct in concluding that the delegation of the supervision over so large a public improvement was contrary to public policy and in effect a surrender of the powers committed by law to the county commissioners.

Under the Texas statutes, a county may choose whether to construct highways by contract or otherwise. In order to receive state aid the state highway commission requires that the construction shall be done by contract. It was largely due to the fact that the state authorities had offered to contribute only $200,000 to the enterprise that the county decided it could save money by declining to accept the coöperation of the state, as its experience with the supervision of the state commission had led to the conclusion that the results did not justify the additional expense thereby incurred. The roads that had been built by the defendant were the only ones that had stood up under the severe test of the hurricane of 1919. The motive of the county commissioners in taking away the contract after the work was commenced seems to have been the tardy inducement of the state commission to contribute $600,000, if the county would reject the plaintiff's service and let a contract for the completion of the work. The equities of the plaintiff's case were so strong that we must conclude that the decision is correct. As to the validity of the contract, however, we doubt that the court would have taken the same position, if the question had arisen by a taxpayer's suit to enjoin its enforcement before the plaintiff had begun performance.

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Nuisances—Control Over Location of Hospitals—Limitations upon Local Police Power.—The principle that the exercise of the local police power delegated to a municipality is always subject to the general laws of the state, is illustrated in the decision of the Supreme Court of South Carolina in *Law* v. *Spartansburg* (146 S. E. 12), decided in December, 1928. By an act of the general assembly, the county board was required to erect a tubercular hospital upon a site to be selected by the trustees of the Spartansburg General Hospital. The trustees selected a site containing some five acres adjoining the hospital grounds, which already included some twenty-two acres, all within the limits of the city. The city council passed an ordinance prohibiting the erection or operation within the city of any hospital or sanitarium for the care or treatment of tubercular patients, making the violation thereof a misdemeanor punishable by fine or imprisonment. Law and others, as members of the county board, filed a petition asking for an injunction against the enforcement of or the attempt to enforce the ordinance.

In decreeing a permanent injunction against the city, the court takes occasion to point out that the powers of local government delegated to a municipality are always limited by the constitution and general laws of the state as they are in force at the time the municipality attempts to exercise them and that all ordinances valid at the time of their enactment are subject to implied repeal or qualification by subsequent statutes. Nor may the municipality in the exercise of the local police power declare that a nuisance *per se* which is authorized by the common law or by the state. While the state legislature within a wide range may determine the scope of the police power (*Sawyer* v. *Davis*, 136 Mass. 239), no municipality through its ordinance-making power may expand or limit its scope (*Chevy Chase Sanitarium* v. *District of Columbia*, 46 App. D. C. 558).

Similarly a valid ordinance may be impliedly repealed by a subsequent statute in which the state legislature assumes to supplant the local regulation by a general law covering the entire matter. In *Chicago* v. *Jensen*, 162 N. E. 115, recently decided by the Supreme Court of Illinois, a conviction of the defendant for operating

a beauty parlor without obtaining a license as required by the city ordinance was reversed upon the ground that the subsequent statute providing for a state license and regulation (Cahill Stat. 1927, p. 164), including the examination, registration and qualifications of applicant, repealed whatever power over the subject matter was formerly vested in the municipalities. (See, also, *Wilkie* v. *Chicago*, 188 Ill. 444, 58 N. E. 1004.) In the absence of a subsequent express grant of power by the state, the municipality therefore could not thereafter regulate the business by ordinance. This is a fundamental principle of the delegation of governmental powers to municipalities which is often lost sight of by critics of the decisions of the courts passing upon the validity of local ordinances.

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Taxation—Federal Taxation of Income of Municipal Officers and Employees.—The U. S. Circuit Court of Appeals, Fifth Circuit, in *Howard* v. *Commissioner of Internal Revenue* (not yet reported), has recently held that the compensation of private attorneys employed to assist a municipality in litigation concerning public utilities is exempt from the federal income tax under the Revenue Act of 1921, upon the ground that such services were rendered directly to further the performance of governmental duties. This decision reverses that of the Board of Tax Appeals (10 U. S. Board of Tax Appeals, 61). The fees in question were received by the petitioner for services in four suits, the first in behalf of the city of Houston to compel certain railways to separate grade crossings and the others in defending the cities of Navasota and Victoria in actions by public service corporations to enjoin rates to be charged to consumers. The petitioner made no claim that he was an officer or employee of any of the cities, but contended that this income was paid him as an "instrumentality," "means" or "agency" of the state of Texas in the operation of the state government.

The decision of the circuit court of appeals seems to be directly contrary to that of the Supreme Court on *Metcalf* v. *Mitchell*, 269 U. S. 514, in which that court in an illuminating opinion by Justice Stone held that the fees named by Messrs. Metcalf and Eddy as consulting engineers for certain state agencies with reference to water supply and sewage disposal systems were taxable. As in the instant case, the engineers were independent contractors and the court based their liability to the income tax upon that ground and not upon the nature of the municipal function which their work concerned. (See Notes, National Municipal Review, Vol. XV, 366.) If the test of liability in these cases is to be based upon the distinction between local "governmental" and "proprietary" functions, a distinction which has little applicability except in determining municipal liability in tort, it would result in exempting the income of common carriers and possibly of contractors who might furnish services or materials for the fire department, the city jail or for any other governmental purpose. We may expect a reversal of this decision and the affirmance of the Board of Tax Appeals if the Supreme Court is called to pass upon the issues involved.

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De Facto Officers—Effect of Payment of Salary upon Right of the De Jure Officer to Recover from a Municipality.—The question of the relative right of a *de facto* and a *de jure* officer to the salary of the office has led to diverse decisions in the different states. Upon one phase of this question, namely the right of the *de jure* officer to recover from the city after it has in good faith paid the salary to the *de facto* officer, the courts are generally in accord in holding that in such a case the *de jure* officer cannot maintain an action for the recovery of his salary during the time he rendered no services to the city. Two recent cases exemplifying the application of this rule have been decided by the highest courts of Missouri (*State ex rel Gallagher* v. *Kansas City*, 7 S. W. (2d) 357, and *Kithcart* v. *Kansas City*, 8 S. W. (2d) 895), which now definitely align that state with the majority rule. The authority of the earlier Missouri cases supporting the rule had been considerably shaken by later decisions, so that in the Gallagher case the court took occasion to review the entire question and to put it at rest so far as that state is concerned. Both upon authority and upon the broad principle of public policy, the decision is to be commended.

Two other recent cases on this question may also be noted. In *Fitzpatrick* v. *Passaic*, 143 Atl. 728, the Court of Chancery of New Jersey reaffirms the earlier decisions in that state which hold that the right of an officer to compensation is based upon the rendition of services and may be enforced only by one who has continued to perform the duties of his office. In *Hittel* v. *Chicago*, 158 N. W. 804, the Supreme Court of

Illinois held that the element of good faith in the payment of a salary to a *de facto* officer was not essential to the defense of the city to an action by the *de jure* officer. The plaintiff's allegations that he was fraudulently kept out of office in violation of the civil service rules is met by the fact that the business of the city required performance and therefore the court concludes that the city was justified in paying the *de facto* incumbents. In a later case, *O'Connor* v. *Chicago*, 158 N. E. 804, the court reiterated the same rule, but permitted the plaintiff to recover from the city the salary of the office during the period it was not occupied by a *de facto* officer.

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Contracts—Capacity of Parties. Collateral Attack on Special Assessment Warrants.—In *Flinn* v. *Gillen*, 18 S. W. (2d) 923, the Supreme Court of Missouri, opinion by Lindsay, C., refused to permit a recovery by the assignee of a special assessment warrant on the ground that the contract under which the improvement was undertaken was void, having been entered into and performed by a foreign corporation not licensed to do business in the state of Missouri. The contract had been awarded to the construction company as the lowest responsible bidder and the defendant upon whose property the lien warrant had been issued had himself filed with the city clerk notice that he desired to pay the tax bill in five annual installments, upon which notice the plaintiff relied in his purchase thereof. The court set aside the plaintiff's contentions that the defendant was estopped either by his own conduct or by the action of the city authorities and held that the statutory lack of capacity of the contractor was in no wise affected by the determination of the city council in awarding the contract to it. The court's contention is that to give effectiveness to the contract in any way would be to annul the plain provisions of the statute. Upon this principle many courts hold that there can be no recovery in quasi contract for work done under contract awarded without compliance with the statutory requirements (*Zottman* v. *San Francisco*, 20 Cal. 96, 81 Am. Dec. 96). Under the peculiar facts of the instant case, the assignee could not of course acquire a greater right than the contractor had. But it seems an injustice to the assignee of the tax bill that he cannot avail himself of an estoppel against the property owner, upon whose acts of affirmance of the validity of the assessment he had relied. In those jurisdictions which do not give so drastic an effect to their statutes relative to the licensing of foreign corporations to do business within the state, the contract in the instant case might be held to be voidable only and estoppel against the property owner upheld.

PUBLIC UTILITIES

EDITED BY JOHN BAUER
Director, American Public Utilities Bureau

Proposed New York Investigation.—Active discontent with present regulation in New York has reached the point of an organized movement for a comprehensive public investigation of the existing system, for the purpose of reconstructing policies and methods. This movement has been headed by the *New York World*, which on January 21 came out with an almost full-page editorial under the heading of "Breakdown of the Public Service Commissions." It called attention to conditions when the present system was established in 1907, to the high expectations and to the disappointing results. Its principal charge is that the methods and procedure are too cumbersome, time-consuming, and costly. It pointed to the New York Telephone case as a striking illustration. The case has continued, in successive stages, since 1920. It is now before the Federal Court, and briefs have just been presented to the master, who will make an independent finding of facts, including valuation, in complete disregard of the findings of the commission at earlier stages. Whatever the decision, there will doubtless be an appeal by one side or the other, and two or three years more will be consumed before the case is decided by the Supreme Court of the United States. And that will not be the end. The same issues and facts will be re-litigated in the next effort at rate adjustment.

The *World* pointed out also that under the present system the public interest is not adequately represented. The commission sits practically as a court to receive testimony from litigants. The companies are always fully represented by counsel, and thoroughly outfitted with experts and facts from their standpoint; and the costs are included in the rates charged to the consumers. The opposition is represented by the consumers or municipalities, which have no regular legal status. The commission does practically nothing on its own part to make up a proper public record. Only in the case of the larger cities, can the public side be somewhat adequately presented. In the case of the smaller municipalities, the public side goes largely by default because of the inability to engage counsel and experts necessary for a complete public presentation of the facts and issues.

The *World* pointed out also the great changes that have taken place since the present system was instituted in 1907. Among these were the interstate power developments and the great extension of the holding companies. Present regulation makes no provision for these conditions. And the commission has done virtually nothing to conserve the public interest involved in these developments.

The proposal made by the *World* was that the state legislature now in session at Albany should provide for a comprehensive investigation of the present system of regulation; to show how it works, what its defects are, and what changes are necessary to meet present-day conditions satisfactorily from the public standpoint. It proposed a mixed commission, consisting of members of the assembly and the senate, and to include three notable ex-governors,—Hughes, Miller and Smith. This commission would make a thorough investigation and report to the legislature, with recommendation of changes in the law and its administration.

It should be noted that the objective emphasized by the *World* was the investigation of the *existing system*, for the purpose of modification to obviate existing difficulties and to meet present conditions. Its drive is directed, not against personnel or individuals of the commission, but against the system. The object is not muck-raking to obtain a political turn-over in the membership of the commission, but to find out what is really wrong, and to reconstruct regulation so as to make it a satisfactory instrument of public policy.

The movement thus started by the *World* has been taken up actively by various public organizations, and was received favorably by the legislative leaders. At this writing, it is too early to judge whether the movement will succeed this year, but it is certain to produce favorable results sooner or later. Among the organizations favoring such public investigation are the Public Committee on Power in New York State, the New York City Club, and the New York State

League of Women Voters. These groups have had an active interest in regulation and power developments, and they have publicly stated their dissatisfaction with present conditions. Their statements were directed particularly to Governor Roosevelt, who, it is hoped, will assume the leadership in the important movement.

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Contract System Proposed in Massachusetts.—In Massachusetts, discontent with regulation has elicited constructive proposals from the department of public utilities to the legislature of the state.

The policy of definite regulation of security issues had been followed for many years, and the department of public utilities had generally fixed rates so as to cover all reasonable costs, including regular dividends upon the capital stock outstanding. This provided a definite rate base and an administrable system of rate-making. The situation, however, has been materially changed during recent years, since control of the companies has been passing from local owners to holding companies and financial interests outside of the state or the municipalities affected. With this change of control has come the demand for the same indefinite standards of rate-making as prevail elsewhere. In the now famous Worcester Electric Light case, this issue will be brought to the Supreme Court of the United States, to determine whether, under Massachusetts conditions, the long-existing, definite policy is to be discarded for the indefinite rule of "fair value," which cannot be administered without constant litigation and practical breakdown of regulation.

While the issue is still on the way to the Supreme Court, the department of public utilities has taken steps to meet the situation if finally an unfavorable decision should be made. Last year it recommended to the legislature a statute which would authorize the state to enter into contracts with the companies, on the basis of which their capital structure would be reconstituted, to include not only the capital stock outstanding, but also paid-in premiums and the part of the invested surplus to the extent that stockholders had not received on the average a return of 7 per cent on their investment, provided, however, that the capital should not exceed the fair value of the property or the amount that had been expended therefor less any outstanding indebtedness. Upon such a readjustment of capital, the companies would accept all future control by the state, but the rates allowed would provide for dividends upon the capital stock sufficient to maintain par value.

To bring pressure upon the companies to enter into the proposed contracts, the department recommended that the law providing that any municipality before it can proceed with public ownership and operation must first purchase the properties of the existing companies, shall not apply to cases of companies refusing to accept such contracts. There was doubt as to the constitutionality of the entire plan because of this apparently coercive measure. The legislature, by special resolution, requested the department to reinvestigate the entire subject and to report again this year. Following this resolution, the department held a number of hearings, and recommended again the same general plan. To meet the possible constitutional objection to the coercive feature of the plan, it suggested as an alternative the complete repeal of the statute requiring municipalities to purchase the properties of local companies before proceeding to engage in the business. Other minor modifications were considered. As a fundamental proposition, however, the plan is to fix through contract a definite rate base upon which all future rate adjustments can be predicated, without question as to rights and facts, and, therefore, without litigation.

The Massachusetts commission has thus a clear conception of what is needed for effective and financially sound regulation. It is hoped, of course, that its long-controlling policy will be sustained by the Supreme Court. But if not, it is already taking definite steps to establish and maintain a basis of rate-making that can be administered. In its report the department called attention to the extreme difficulties of regulation under the so-called federal rule of "fair value." It predicted that "if some method cannot be devised to avoid unreasonable litigation on the part of the companies, we think that sentiment will and should rapidly grow in favor of public ownership." Its recommendations thus involve explicit contracts which provide for regulation without litigation; and where such contracts cannot be obtained, to make public ownership readily attainable by the municipalities.

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State Rate Investigation in New York.—On January 15 the public service commission of the

state of New York started a series of hearings in Albany for the purpose of investigating the gas and electric rates throughout the state. The purpose is not only to determine whether, in general, rates are excessive or inadequate, but more particularly to find whether the rate schedules or structures are properly adjusted to present-day conditions.

There is a common feeling that electric rates in general are not only excessive, but that domestic rates are out of line with present costs and conditions of operation. Power rates have been adjusted extensively by the companies themselves, because these rates have been operative on competitive margins where other sources of supply have been available. They have been fixed, to a large extent, upon promotional and competitive considerations. They probably are sufficiently low already, and in some instances may even be less than justified, with proper consideration to cost of service. The chief criticism of present rate structures has been directed against the domestic rates. These were mostly fixed a generation ago, before the power uses had been extensively developed, and have not been subjected to competitive influences. In most cases, only slight reductions have been made, especially as to quantities consumed by the great majority of the domestic users.

The important point to which references have been made in this department, is the "spread" or "differential" between power rates and domestic rates. While, of course, power rates are properly fixed on a lower level, the question is—How wide the spread is properly made, and upon what basis it is to be determined. As to this question, there has been very little scientific investigation made by any commission, and practically no analyzed facts are available. It is this line of inquiry which, it is hoped, the New York commission will pursue energetically. There is opportunity for pioneer service in a badly neglected department of rate-making. The investigation should result in greater simplification and uniformity of schedules among the various companies, as well as in better relative rates between the different classes of consumers.

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Laudable Commission Appointments.—Two appointments, notable in the public interest, were made during January to the New York Transit Commission, which has jurisdiction of regulatory functions over transportation within the city of New York. During November last, Chairman John F. Gilchrist resigned for private business reasons. His period of service was marked by rare personal consideration for everybody who came in contact with the commission, as well as by zeal to bring about a practical solution of the New York City transit tangle. His retirement is a public loss. Fortunately, however, he has been replaced by an appointee of unusual significance, William F. Fullen, who probably has as complete knowledge of transit as any other person in the city.

Mr. Fullen was appointed twenty-two years ago as a clerk in the old Public Service Commission of the First District, which then had jurisdiction over all utilities within the city of New York. In 1923 he was made counsel of the Transit Commission. Because of his special knowledge and other fitting qualities, he was selected in 1924 as counsel of the new Board of Transportation, which was charged with the responsibility of planning for new rapid transit construction. In September, 1928, he resigned this position to go into private law practice. He was not left long, however, in private pursuit, and has now been called back to public service as chairman of the Transit Commission. The public significance lies not only in the selection of a man who thoroughly understands the work of the commission, but also in the promotion for merit to the highest position attainable.

After Chairman Fullen took office, there followed immediately the appointment of George H. Stover as counsel for the commission to succeed Clarence M. Lewis, who resigned some months ago to resume private practice. Mr. Stover's appointment, likewise, represents the recognition of merit and the principle of advancement because of ability and service. He has been assistant counsel of this commission and its predecessors since 1917, and has been connected with practically all the important activities with which the commission has been concerned for the past twelve years. He combines unusual ability, sincerity and public-mindedness. Both he and the public are to be congratulated.

The two appointments taken together illustrate excellently the standards that ought to be followed generally in the selection of commissioners and technical staff. We sincerely hope that they will serve as precedents, to be followed with increasing regularity. Such a practice would help greatly toward the goal of effective regulation.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Commission Government in England and Ireland.—Arthur Collins, an English official and a recent visitor to the important cities of the United States, is running a series of articles on the local government in the United States and Canada in the London *Municipal Journal and Public Works Engineer*. These articles teem with discriminating and thought-provoking observations and may be highly commended to the attention of those interested in municipal government in this country who wish to see themselves as others see them. The author's favorable comments on the commission-manager form of government have aroused considerable interest among his readers and have prompted him to summarize the status of the commissioner form of government in England and Ireland. It appears that the large local council customarily found in these countries has been displaced in Dublin by three commissioners, in Cork by a single commissioner, and that the boards of guardians for the poor have temporarily been superseded by three commissioners in West Ham, Chester-le-Street and Bedwellty.

He cites Dublin as the first case where councilmanic and committee control have given way to three commissioners. Such concentration has met with the approval of the majority of all classes of citizens and, according to Mr. Collins' own observation, the commissioners are rendering excellent service to the city in most of the departments.

In Cork the commissioner is virtually a city manager although at present apparently serving under a special dispensation. A bill has, however, been introduced in the Irish Free State Parliament which bears the title "Cork City Management Bill." According to this measure a city manager will be appointed under statutory authority. The functions and duties to be assigned to him according to the provisions of the bill are practically identical with those performed by a city manager in the United States. It is anticipated that this measure will meet with the approval of the state legislature, in which case Cork will have the distinction of appointing the first bona fide city manager in the British Isles.

In his general discussion of the five cases cited above Mr. Collins raises the question as to whether the time may not have come when at least an option should be granted to local authorities for organizing the government along other lines than the standard scheme of governmental control by councils and committees. He advocates such an option with the provision that the voters might revert to some other form in case the concentrated executive control represented in the city manager or a similar authority proved not to be successful.

In case such a change were put into effect Mr. Collins lays special emphasis upon the importance of having the commissioners or the representatives of the people keep in constant touch with the opinion of their fellow citizens and draw continuously on the resources of the best citizens for advice and guidance.

Those interested in city manager government will be gratified to know that this experienced and thoroughly competent authority on local government administration found so much that was commendatory in the American experiment.

Public Responsibility for the Movies.—In view of the increasing significance of the movies in the culture and education of the people, governmental authorities in Germany are beginning to do more than merely protect the public from the possible evil influences of the films. Just as the state or city has supported theaters, concerts, museums and libraries in the name of the general welfare, so it seems that the time must soon come when there will not be a single city or commune in Prussia without its own collection of films under the control of a qualified official who is not alone an experienced educator but also a person with intimate acquaintance of the possibilities of modern films. A preliminary step has already been taken through the organization of a Film Union of German cities.

The Prussian minister for science, art, and

practical culture has warmly recommended the advancement of educational and cultural films. The city of Berlin has set up a seminar for guidance in the use of picture films as a means of education. It has been urged by a prominent librarian that there be an archive for films under the control of the empire; and by another that various provinces of Prussia should establish archives for films to be available to the subdivisions of each province. It is further pointed out that it is incumbent upon the state to provide funds for the erection and maintenance of "film centers" in the various cities. These would be the source of supply for the given locality.

The writer of the article here reviewed continually lays stress upon the necessity of assigning to the city or the community complete control of its own department of films. In his judgment the state should subsidize its subdivisions for this purpose; it should stimulate the right sort of production; it should make scientific investigations into the technique and methods of making moving picture films an effective means of contributing to popular culture.—*Zeitschrift für Kommunalwirtschaft*, January 10, 1929.

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Public Control of Advertising.—The heavy payments required of Germany under the Dawes Plan have brought continuous pressure upon those in charge of public administration to discover new sources of revenue. According to the Municipal Councillor Morris of Magdeburg, the time has come when the municipalities can no longer afford to overlook the possibility of a public income from the control of display advertising. The most common method of handling such advertising in Germany is by means of large wooden cylinders located in conspicuous places about the streets and the open spaces. The author of the article here reviewed discusses the advantages and disadvantages of the two methods of handling advertising under public control which have been more or less widely used. The first method is to rent out the privilege to private firms. In such a case the rates for advertising are determined by the local council. The chief disadvantage under this scheme is that the private firm has proved to be lacking in initiative and courage to develop advertising in a systematic way either according to the demands of city planning or the needs of the industry. While this scheme has worked satisfactorily in a number of cities, generally speaking the opposite has been true; and the possibility of making control of advertising an increasingly important source of revenue has not been realized.

On the other hand, the system of direct municipal operation has failed to bring acceptable results because of the routine manner in which the business is handled. Apparently the cities have been unwilling, moreover, to make the necessary investments so far as equipment and personnel are concerned.

Experiences of this sort have prompted a number of cities to combine the two systems, that is to say, the city and an experienced private firm undertake the promotion of advertising as a joint affair or they organize an advertising corporation according to business principles. The results of such a combination have generally led to a marked increase in income for the community concerned and demonstrated that advertising may become a source of considerable income.

Whatever the method, it is important that the cities should maintain a measure of control over the schedule of costs to the public as well as a further control with reference to the location, appearance and maintenance of the columns on which the advertisements are displayed.—*Mitteilungen des Deutschen Städtetages*, No. 11, 1928.

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Smoke Control.—The Ministry of Health in England is advocating that a limitation should be set upon the space of time during which black smoke might be emitted from stacks of manufacturing plants. It is reported that the city of Halifax has had satisfactory experience with a by-law restricting the black smoke emission period to one and one-half minutes in thirty minutes. It is pointed out that the local manufacturers have been won over and now lend their hearty support to this restriction through the activities of the health authorities which make their approach on the basis of reason and coöperation.—*Municipal Journal and Public Works Engineer*, January 18, 1929.

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Electric Heating.—In order to reduce the cost of current which is said to be the chief obstacle to the general adoption of electricity for low temperature heating, a mechanical engineer has

proposed the possibility of installing charging cylinders on each floor and, if necessary, with each radiator or panel for the purpose of storing current when the load factor is below the norm. In this way a heat reserve is stored up that may be drawn upon to maintain uniform temperature under all weather conditions. With the increase of load factor made possible by such accessory storage facilities there would, of course, be a reduction in the cost per unit.

If this proves to be feasible it will be in line with the national program for the utmost possible utilization of electricity among both industrial and domestic consumers.—*Municipal Journal and Public Works Engineer*, January 18, 1929.

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Juvenile Employment.—An executive officer has been put in charge of the juvenile employment department in the progressive community of Willenden, England. The purpose of this officer is to reduce the unemployment which is due to the injudicious assignment of juveniles just entering the industrial world. Advantage is taken of any special education of the boys, and the effort is made to avoid blind alley occupations. The scheme has met with a large measure of success. In one year 3,044 young persons were satisfactorily placed out of a total of 3,670 registrations. Several thousand parents had recourse to the juvenile employment committee in the course of the year. The consequence of this policy has been to reduce materially the social waste and friction which is likely to result from faulty placement. It has further reduced to a minimum the amount of unemployment benefits payable to this class of young employees. The cost has been quite insignificant.—*Municipal Journal and Public Works Engineer*, January 18, 1929.

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Superannuation of Local Officials.—In an address before Parliament, William Graham summarized the situation with regard to the superannuation of local government servants. Under permissive authority from Parliament six hundred local authorities have adopted a superannuation scheme since 1922. The number of employees covered in the local government service is fifty-three thousand. Something less than seventeen thousand are still not covered by superannuation provisions.

The members of the National Association of Local Government Officers are seeking to enlist the sympathy of members of Parliament so that an amendment may be introduced whereby the superannuation scheme will become compulsory on those authorities which have not already adopted the policy approved in the bill now in force. This proposal has met with considerable support on the part of those members of Parliament who have been approached.—*Local Government News*, January, 1929.

⁂

Diploma in Public Administration.—The plans for granting a diploma in Public Administration under the auspices of the Nalgo Correspondence Institute were referred to in an earlier issue of these notes. In the interim the appointment of tutors to be responsible for the guidance of those enrolling in the correspondence course has taken place. Three of them are lecturers at the London School of Economics, one at the University of Liverpool, one at the University-College Loughborough, one at the University-College of Cardiff, and one is the head of the Department of Economics and Commerce at the University-College of Southampton. These courses are not conceived in a cut-and-dried fashion as is the case with many correspondence courses. Great stress is laid upon broad preparation and on the development of independent ideas on a wide range of problems.—*Local Government Service*, January, 1929.

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Public Health in England.—Two annual reports of the Ministry of Health have just been issued. The first deals with such matters as local government, the administration of the poor law, national health insurance, housing and town planning. The second is the annual report of the chief medical officer for the year 1927. In the latter it is reported that the birth rate was 16.6, the lowest on record; the number of deaths increased 30,805 over the previous year. Of these 36 per cent occurred among persons under fifty years of age. The chief causes of death were as follows: conditions of the heart and circulation, 201 per one thousand deaths; respiratory disease, 157; cancer, 111; diseases of the nervous system, 90; and all forms of tuberculosis, 74. These five conditions are responsible for 54 per cent of the deaths.—*Local Government News*, January, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES
Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since January 1, 1929:

Buffalo Municipal Research Bureau:
The Division of Water. A Survey of the Division of Water of the Department of Public Works.

Des Moines Bureau of Municipal Research:
Des Moines School Report, 1916–1927.

Bureau of Governmental Research, Kansas City, Kansas City Chamber of Commerce:
The Proposed City Pension System.

Ohio Chamber of Commerce, Research Department:
The School and Local Government Problem of Ohio.

Municipal Research Commission, Syracuse:
The Selection of Patrolmen in Syracuse, New York.

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Eighteenth Annual Meeting.—The executive committee has voted to accept the invitation tendered by nine civic agencies of Chicago to hold our next convention in that city. The 1929 convention will be held in Chicago on November 12, 13 and 14. Plans and tentative program will be announced later.

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California Taxpayers' Association.—A study of a proposed street improvement in the City of Pasadena, known as the Holly Street Improvement, is being made. An investigation by the research department shows that the improvement was not well planned and that no careful study of the following items was made: Traffic, zoning, city plan, methods of finance, character of physical improvements, stage or sequence which proposed project bears to other improvements, and benefits. The Association is now engaged in making a study which will reveal this essential information. This project was proposed without any workable plan of finance back of it. Within the next month we hope to have a report on the project published.

A road cost accounting system has been worked out for Solano County. This is a suggested system for keeping costs for roads and bridges. In addition to complying with the law on road costs this system of accounting ties in with the new county budget law so that the auditor and the supervisors will have the necessary information now required yearly in making the budget.

Several bills sponsored by the Association have been introduced in this session of the legislature. Among the more important are: *Assembly Bill No. 459*, which will provide for a county unit system of school administration; *Assembly Bill No. 577*, which will legalize photographic recording of deeds and public documents in California; and *Assembly Bill No. 422*, which establishes a debt burden limit of 50 per cent of the actual value of a piece of property in assessment districts.

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Taxpayers' Research League of Delaware.—For its work in coöperation with Governor Buck and other state officials in drafting reports and legislative bills for the new administration and for the present session of the legislature, the League has retained the services of several consultants and temporary staff workers, including Herbert Wilson, of the Institute for Government Research; Russell Forbes, secretary of the National Municipal League and director of the Municipal Administration Service; Dr. Carl E. McCombs, of the National Institute of Public Administration; M. M. Daugherty, economist, of the University of Delaware; J. Ernest Solway, a member of the Delaware Bar; and Edward L. Kenly, an accountant of Wilmington.

The League has held a series of Saturday luncheon-conferences, usually lasting most of the afternoon, between members of the staff, the executive committee of the League, and various state officials, at which the reports of the League have been considered and agreement reached concerning action.

Adopting the League's recommendations, the state sinking-fund commissioners have entered

upon a program of bond-redemption which contemplates the early retirement of $7,325,000 of highway bonds, reducing the state's outstanding indebtedness to $5,041,785, with an annual saving to the highway fund for debt service of over $500,000, which, with the present resources of the highway fund, is expected to enable the highway department to conduct its future program for the construction of permanent roads on a pay-as-you-go basis.

As a result of the League's analysis of the estimated revenues of the school fund for the next two years, the state board of education withdrew the budget which it had submitted to the legislature and offered a budget 16 per cent greater for the more adequate operation of the state school system.

For a great many years it has been the practice in Delaware to pay mileage to the members of the legislature in addition to "compensation" provided in the constitution. In its investigation of the "Claims Bill" subsequent to the legislature of 1927, the Taxpayers' Research League raised for the first time the question whether "compensation" included more than merely salary, and whether constitutionally the members of the legislature could appropriate to themselves an additional sum as mileage. Governor Robinson, on the strength of the League's report of its investigation of the "Claims Bill," vetoed the mileage items, but his veto was based not on the question of the constitutionality of mileage, but rather on the fact pointed out in the League's report that the mileage claim also included unconstitutional salary, being in excess of payment for 60 legislative days. The present legislature passed a bill appropriating mileage to the members of the last legislature without including the unconstitutional allowance for extra salary. This bill was promptly vetoed by Governor Buck on the strength of an opinion from Attorney General Satterthwaite sustaining the League's contention that the "compensation" for members of the legislature precludes additional allowances for mileage, and that hereafter no legislative mileage may lawfully be paid without amendment to the constitution.

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Citizen's Research Institute of Canada.—The survey of the Galt General Hospital has been completed and a report prepared and presented to the hospital board.

A report has also been issued dealing with the *Legal Debt Limits for Municipalities.* This report was widely reproduced in the financial, weekly and daily press.

The director will address the Canadian Club and the Women's Canadian Club of Edmonton on *Basic Principles of Municipal Government* on February 14, 1929. The Advertising Club of Montreal was addressed on January 16 on a similar topic.

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Erie County Taxpayers' Association.—As a result of a civic study of the general subject of municipal research begun in 1927, the Erie County Taxpayers' Association with a budget of $20,000 and a staff to conduct research projects was finally secured.

In January, 1929, John S. Rae, a staff member of the Detroit Bureau of Governmental Research, was employed as director of the Association.

It is planned to conduct a general survey during February and March. A special study is to be made of several proposed bond issues pertaining to capital improvements in the city of Erie.

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Griffenhagen and Associates, Ltd., Chicago.—The comprehensive study by Griffenhagen and Associates, Ltd., of the entire administrative structure of the state government of Ohio, on which a considerable staff has been engaged for over a year, has recently been brought to a close with the publication of the report of the Joint Legislative Committee on Economy in Public Service for whose purposes the study was made. A legislative program based on the recommendations of this report is now being pressed in both houses of the legislature. The senate has a special committee on reorganization which is studying the bills presented.

The two-year program of installation of modern and effective systems of accounting and financial control for the State of Connecticut is approaching completion. The staff of Griffenhagen and Associates, Ltd., engaged upon the work, not only designed the broad outlines of a plan to meet every need for financial information and financial control, but actually placed the plan in operation and has stood by to attend to every adjustment that the plan in operation might need.

The City of Duluth is giving attention to improvements in its civil service administration in pursuance of the recommendations made by

Griffenhagen and Associates, Ltd., as a result of a comprehensive study of the needs of all departments and activities. Other recommendations resulting from this study have already been placed in effect, and still others are under consideration.

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The Kansas City Public Service Institute.—A survey of the Kansas City police department was begun on February first. This survey is being undertaken for the Chamber of Commerce of Kansas City, which has asked the Institute to make preliminary studies and secure information on all phases of the operation of the police department. As soon as this is well along, Chief August Vollmer, Berkeley, California, is to come to Kansas City to assist in the final preparation of recommendations and consult with police officials.

The Institute is revising its first draft of the permanent registration bill which has been introduced in the legislature. Before the bill can pass, it is necessary to make a considerable revision to meet local conditions and objections.

Other matters before the legislature in which the Institute is interested are police and fire pensions, police home rule, excess condemnation, and possibly county government reorganization.

*

Citizens' Bureau of Milwaukee.—For the first time in the fifteen years of its existence, the Citizens' Bureau has served as a special investigation staff to the Governor. Upon being elected governor, Walter J. Kohler, Wisconsin manufacturer, obtained the use of the staff for the six weeks prior to the delivery of his inaugural message. A report on the executive budget was submitted and has been incorporated in *Senate Bill No. 1.* Recommendations on the reorganization of the state highway commission furnished the material for that part of the message, and has been used in the drafting of *Senate Bill No. 2.* A number of charts contrasting the administrative organization of Wisconsin's seventy odd boards and commissions, with administrative consolidations in other states were submitted.

Harold L. Henderson is now on a six months' leave of absence in order to act as special investigator under the direction of the Governor.

The New Bedford Taxpayers' Association.—A study of the probable cost of the retirement system for city employees, proposed for New Bedford, has just been completed.

The proposed bill includes retirement for superannuation, ordinary disability, accidental disability and accidental death benefits, the payments to be made in the form of annuities purchased in part by contributions from the employee and in part by contributions from the taxpayer. The proposed bill is similar to that in effect at the present time in Boston. The study shows that the probable cost to New Bedford of such a system would be in the neighborhood of about $100,000 a year, which is very much more than the friends of the bill have been willing to admit.

The Association has succeeded in persuading the school committee to give their budget in much greater detail so as to show the proposed cost of every feature of the educational program. Heretofore, it has been presented as a lump sum budget and the people in general have been suspicious that it contained many hidden items.

*

Philadelphia Bureau of Municipal Research.—A city contract committee, organized by the mayor last September to investigate the system of contracting in Philadelphia for public works and for supplies and to recommend improvements, submitted its report during January. Philip A. Beatty, who is engaged in the study of municipal contracts which the Bureau is making as agent of the Thomas Skelton Harrison Foundation, was in close contact with the preparation of the report. Since its publication he has been actively participating in the work of putting into effect the improvements recommended. At the request of the directors of public works and of transit he sat in with the committee organized by the mayor to effect the changes in construction-contract methods. The mayor also invited Mr. Beatty to be present at a meeting of a second committee formed for the reorganization of the department of supplies. He was made secretary of this committee. Meanwhile he is also cooperating with the city solicitor's office in the preparation of needed legislation.

The drafting of a bill to give the option of proportional-representation, council-manager form of government for Philadelphia, upon which members of the Bureau's staff have been engaged in coöperation with the Proportional Representa-

tion League, has been completed and the bill has been introduced in the present session of the state legislature.

At the request of the Committee of Seventy, Mr. Galloway drafted a bill to provide for the permanent registration of voters in Pennsylvania cities of the first and second classes. Philadelphia is the only first-class city in Pennsylvania and Pittsburgh and Scranton are the only second-class cities. This bill has been introduced in the state legislature.

Mr. Galloway also prepared, at the request of the Committee of Seventy, a general voting-machine enabling act which is now before the legislature. This bill, if enacted, will carry out amendments 6 and 13 of the state constitution approved by the voters last November.

A bill which was drafted by Mr. Galloway, at the request of the Committee of Seventy, to abolish the December assessment of voters in Pennsylvania is about to be introduced in the legislature.

⁂

The Bureau of Civic Affairs, Toledo Chamber of Commerce.—Several recommendations were made as a result of studies made during January. Most of these were state matters. The Bureau urged the enactment of a driver's license bill which is now pending before the legislature. Studies in other states where such a law was in effect showed a considerable reduction in accidents and fatalities. To accompany this measure for the purpose of obtaining adequate enforcement, a state rural police bill was endorsed. Traffic regulations without provisions for enforcement may be worse than useless.

A Baumes law for Ohio, introduced into the legislature by a Toledo representative, was also given the approval of the Bureau and the board of trustees. It differs from some habitual criminal acts in several important respects. In the first place it operates only in the case of specified serious felonies (not including prohibition violations). When a person is convicted for the third violation of these designated crimes, he is automatically sentenced for the maximum penalty and upon four convictions he gets life imprisonment.

The board of trustees ratified the action of the City and County Plan Committee of the Bureau in approving the proposed ordinance now pending in council to create set-back lines on all major streets in the city as proposed by the *Major Street Plan of 1924* as drawn up by the Harland Bartholemew firm. If the city council adopts this ordinance, it will be the biggest local advance in city planning since 1923, when the zoning ordinance was adopted.

⁂

Toledo Commission of Publicity and Efficiency.—During January the Commission published an article on comparative tax rates for the six largest cities in Ohio showing that in comparison with last year, when Toledo had both the highest actual rate, $26, and adjusted rate, $20.80, the actual rate for the present year is second highest, being exceeded only by Akron, and the adjusted rate is still the highest in Ohio, Toledo's actual and adjusted rate being exactly the same in both years.

Articles were published also on the status of municipal research in Toledo, municipal radio stations, and their propriety as a municipal function, and also a criticism and analysis of a private toll bridge proposed to cross the lower Maumee just outside the city.

The Commission has decided to investigate the conditions with regard to smoke inspection in Toledo with a view to more adequate equipment for the smoke inspector.

The secretary has been instructed to start work on planning a long-term financial program for Toledo.

⁂

Toronto Bureau of Municipal Research.—A report dealing with civic issues in the recent municipal campaign was issued prior to the election.

The publication of the report dealing with the *Personnel of Toronto's Civic Government for 1929* has been temporarily held up owing to the disqualification of a controller, necessitating a by-election.

A report dealing with the operation of Toronto Transportation Commission, hydro-electric, harbor and radials over a term of years is in course of preparation.

A bulletin dealing with a proposal to budget capital expenditures for a period of five or ten years in advance has been issued.

An open letter dealing with the appointment and promotion in civic departments was sent to the mayor and all members of the city council.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Philadelphia Striving for a C. M.—P. R. Charter.—City manager government with proportional representation is today a serious possibility for Philadelphia. A bill to allow the voters of the city to pass on the question has been introduced in the Pennsylvania legislature by Senator Samuel W. Salus, former president *pro tempore* of the senate and militant leader of the Vare machine. It is conceded a chance of passage.

This astonishing development, which proved quite as bewildering to the Philadelphia public when it was first proclaimed in front-page headlines on the morning of February 5 as it may to the readers of the NATIONAL MUNICIPAL REVIEW, is a result of the demand for fundamental reform created by Judge E. O. Lewis's and District Attorney Monaghan's exposures of police corruption, a scramble for control of the Republican organization brought on by Mr. Vare's ill health, and some astute generalship on the part of Thomas Raeburn White, chairman of the Philadelphia Committee of Seventy which led the successful movement for a single-chamber council and the present charter ten years ago.

The demand for reform first forced Mayor Mackey to replace his director of public safety by Mr. Monaghan's first assistant in the police probe, Lemuel B. Schofield, and then swept on into the channel of charter revision opened for it by a timely suggestion from Mr. White. It also aided Albert M. Greenfield (of real estate fame) in his efforts to replace Mr. Vare as Republican leader of the city, and finally forced the Vare forces themselves to espouse the manager plan in self-defense. Thereupon Mr. Greenfield referred casually to the bill as a meritorious measure, and his ally, former Mayor Kendrick, issued a strong statement in its behalf, emphasizing proportional representation as a vital feature. Almost anything may happen in the present seething ferment of Philadelphia politics, but at this writing it looks as if what seemed at first a forlorn independent hope would encounter little opposition. State leaders have announced their adherence to the principle of "home rule," meaning thereby the policy of giving the local members what they want in local measures.

The manager bill was prepared by the Philadelphia Bureau of Municipal Research and the Proportional Representation League, under the supervision of a drafting committee of leading business men and other prominent citizens called together by Mr. White. The committee decided on its main features after an evening spent with Professor A. R. Hatton. It is being actively supported by a well-financed City Charter Committee, with Walter J. Millard as principal speaker, and an executive committee and advisory council including four college presidents, Judge Lewis, Roland S. Morris, George W. Norris, governor of the Federal Reserve Bank, and some hundred other outstanding citizens. Among the permanent organizations which have endorsed the bill are the Committee of Seventy and the Philadelphia county branches of the Republican Women of Pennsylvania and the Pennsylvania Council of Republican Women. The *Evening Bulletin*, the *Public Ledger*, and the *Record* are supporting the bill editorially, and the *Inquirer*, the *Public Ledger*, and the *Evening Bulletin* have carried series of articles on the success of the plan in Cincinnati and other cities. The one Democratic paper, the *Record*, has printed three editorials supporting the Charter Committee in its insistence on proportional representation as an essential part of the plan.

If the bill is passed as introduced and subsequently approved by the Philadelphia voters, it will make the following major changes in the city's governmental structure:

1. The city administration, except that part of it which is also part of the county administration and not under the mayor at the present time, will be placed under the control of a city manager appointed by council for an indefinite term and removable by council after a public hearing. Most of the manager provisions are patterned after those of the Model City Charter of the National Municipal League.

2. The elective mayoralty will be abolished and the title, ceremonial duties, and certain appointive powers of the mayor will be given to the president of council. The mayor will appoint the zoning commission, the city planning commission, and the art jury.

3. The Council will be elected from the city at large on a nonpartisan ballot by proportional representation. As many candidates will be

elected as can poll a fixed quota of 25,000 votes. On the basis of recent municipal elections this will probably mean a slight reduction in the size of council, which now has 22 members. Each candidate will be nominated either by petition of 5,000 registered voters who have signed no other petition or by petition of ten such voters and a deposit of $250 to be returned in case the candidate polls as many as 5,000 votes.

4. The receiver of taxes will be taken off the ballot and put under the manager.

5. The form of civil service commission recommended in the Model City Charter will be used for the first time. The present commission of three members appointed by council will be replaced by a commission with a director of civil service appointed by the manager as its president, an associate commissioner appointed by the council, and a second associate elected by the city employees in the classified service. The actual administration of the civil service will be under the director and his appointees.

The plan cannot go into effect before the next regular council election in the fall of 1931. A vote on its adoption may be called at any primary, general, or municipal election by ordinance or by popular petition. Once adopted, a vote on its repeal may be called in the same way, but only after a trial of four years and two elections of the council.

Three other bills, to make the manager plan and proportional representation optional for other cities and boroughs in the state, are also before the legislature. Similar bills, sponsored by D. Glenn Moore of Washington, Pa., were passed by the House at its last session, with the support of the Allied Boards of Trade of Allegheny County, the Municipal Affairs Committee of the Pittsburgh Chamber of Commerce, the Borough Council of Rose Valley, the Proportional Representation League, and various prominent individuals. This year they will also have the support of the State Federation of Labor.

GEORGE H. HALLETT, JR.

✻

Building Activity to Continue on Large Scale in 1929.—*The Architectural Forum* and its companion publications of the National Building Group have just completed what is perhaps the most detailed and exhaustive survey of potential building activity ever made in this country. If the deductions which have been drawn from a great array of dependable facts and figures are correct, it is quite probable that the year 1929 may prove to be the greatest of building construction years.

According to C. Stanley Taylor, director of research of the National Building Publications, new elements have crystallized in the building industry—factors which must change the methods of anticipatory measurement. For instance, the financing of building projects has been placed upon a much better basis of public relationship. There are not only tremendous underwritings of individual building projects being carried out by bankers in our various cities, but building operators have established securities of an investment nature which are even traded in on the stock exchanges of the country. We find the year 1928 showing in the New York real estate market an actual securities exchange where real estate and building issues are actively traded, making a liquid market for such securities which for many years have carried the aspect of frozen or torpid investments. We find a tremendous number of municipal and state bond issues or other business of public financing being established for the carrying out of school, hospital and public building programs and for the development of airports, which in themselves promise to contribute mightily to the building volume of this country. There may be found in evidence also the consummation of a number of vast development projects and improvements which are opening up tremendous territories for active building construction. The subdivision builders of the residential field are undertaking housing projects almost beyond imagination in their scope. There is under way the most extensive modernizing and remodeling program ever known in the history of this country. This program is being deliberately developed by extensive educational work through building material manufacturers who realize the tremendous size of the potential markets created. Mortgage money, while handled in a manner more intelligent than formerly, is more plentiful than ever before, and so many new methods and sources of financing for the building field have been established that no constructive program has to seek very far for its banking facilities.

Coupled with all these factors we have an increasing urge toward building construction by the public whose pocketbook was never so fat.

✻

Philadelphia Civil Service Commission Faces Loss of Trial Board Powers.—The Philadelphia

director of public safety and the municipal civil service commission have been battling each other over their respective powers of disciplining policemen in the city's service. The outcome may be a legislative act trimming severely the authority of the commission over the police and fire personnel. Under the present law the director of public safety cannot suspend a policeman or a fireman for more than thirty days or dismiss him from the service until after charges have been preferred and heard by the civil service commission and the commission has directed him as to the punishment he may impose.

The investigation of the crime situation which began last August revealed such sorry conditions in the police department that the mayor's original choice as director of public safety was compelled to resign, and many members of the police force were suspected by the department of public safety. In the cases of three inspectors and nineteen captains the commission sustained the department's charges. In the cases of two sergeants and three or four patrolmen the commission either failed to sustain or dismissed the charges.

The new director of public safety, Lemuel B. Schofield, was much displeased with the failure of the commission to sustain his department in all its charges and soon after he entered office threatened that he would take such disciplinary measures as he deemed proper irrespective of the action of the commission. Shortly afterwards he made good his threat by fining several officers 300 days' pay whom the commission had fined but from ten to fifteen days' pay. This action, however, is in violation of law, and new legislation will be necessary to give the director the freedom he desires. Public sentiment appears to be against the commission, and a measure has been introduced into the legislature to give the director the same power over dismissals that other department heads enjoy with respect to the classified service. This virtually means that the policy of a wide-open door will prevail. The bill has the backing of the Pennsylvania Civil Service Association.

⚜

Reforms in Criminal Procedure before New York Legislature.—Senator Caleb H. Baumes, author of New York's famous Baumes Law, has introduced into the state legislature a group of bills which, if adopted, will bring the state into line with many of the recommendations of the various recent crime surveys. The two of most general interest provide for the waiver of trial by jury except in first-degree murder cases, if the defendant so elects, and authorize the district attorney to comment upon the failure of a defendant to take the witness stand. A third measure, which has already passed one legislature, amends the state constitution to permit the legislature to set up district criminal courts in place of special sessions courts or justices of the peace. The legislature could thus group several rural towns into one district to be presided over by a legally trained justice rather than by untutored justices of the peace. Under another measure judges will be permitted to comment on evidence and on the testimony and character of witnesses. The above measures are all receiving the support of advocates or reform in criminal practice. The one directed to the improvement of the administration of rural justice is particularly significant, since it draws attention to a situation which is as yet imperfectly understood throughout the United States.

⚜

A Year Book of Social Work.—Social work is one more field whose progress is recorded in a year book, to be issued by the Russell Sage Foundation under the editorship of Fred S. Hall of its staff. That there is demand for information each year about social work is shown by the space given to it in the three comprehensive annuals now issued—the American Year Book, the New International Year Book and the Americana Annual. Taken together they print articles on thirty-two different national organizations in the field of social work, and additional articles on forty-two topics in that field. The new year book, besides including such organizations and topics, and giving them a more uniformly adequate treatment from the standpoint of social work, will cover also many fields of activity which do not appear in these general annuals at all.

The Russell Sage Foundation will welcome suggestions from any who have had difficulty in obtaining needed current information concerning their own or allied fields of work.

⚜

Wisconsin Governor Believes in Research.—Harold Henderson, director of the Citizens' Bureau of Milwaukee, has been given leave of absence to act as special assistant in charge of

research to Governor Walter J. Kohler of Wisconsin. Governor Kohler is a business man who has never been in politics before. As soon as he was elected he appealed to the Milwaukee Bureau for assistance, and received the loan of the entire staff for the rest of the year 1928, but the more he learned of his new job the more he felt the need of additional research in problems of budget, administrative organization, and the like. To meet this need Mr. Henderson has been retained. Governor Kohler has proposed an executive budget system and looks with favor upon state administrative consolidation, such as has taken place in Nebraska, Ohio, Tennessee, New York, and other states. If Governor Kohler succeeds in his program, and there is every reason to believe that he will, his success will mark the passing of the Wisconsin idea in state administrative organization and budget procedure.

⚜

Cincinnati Conference on County Government.—Constitutional changes to give the legislature greater freedom in dealing with counties and reorganization of county government along modern lines were the keynotes of a conference on county government held in Cincinnati, on January 10, under the joint auspices of the League of Women Voters, the Woman's City Club and the Cincinnatus Association. The former was urged by Emmett L. Bennett and the latter by Raymond Atkinson. Mayor Seasongood deplored the fact that the City of Cincinnati could not control subdivisions beyond three miles outside her boundaries, while Clifford E. Brown, county commissioner, promised a regional planning commission in the spring and pledged the coöperation of the county in regulating subdivisions. Professor Charles E. Merriam discussed various schemes for regional government and suggested that the plan of special authorities for metropolitan services together with voluntary coöperation was the most promising for Cincinnati.

⚜

Ernest P. Goodrich and William B. Powell announce that they have associated themselves as consultants in traffic matters. Mr. Goodrich, who is well known to many readers of the REVIEW, is at present in China as engineering adviser to the Nationalist Government. Mr. Powell is consulting traffic engineer for Buffalo and chairman of the Standards Committee on Signs, Signals and Markings. An article from his pen upon the recent report of this committee appears in this number of the REVIEW.

⚜

New Appraisal Form for City Health Work.—The committee on administrative practice of the American Public Health Association has issued a third edition, revised, of its *Appraisal Form for City Health Work*. In commenting upon earlier editions and changes made in the present revision, the committee says:

> During the last three years, the Appraisal Form has been extensively used throughout this and other countries. It has served a useful purpose. Fears of its misuse for ulterior purposes have not been substantiated. Its value has been distinct, its assistance appreciated.
>
> For those familiar with the previous Form it may be stated that the latest revision represents somewhat extensive rewording and clarification, but with the main structure and form and subject matter substantially intact. The new Form is longer and contains three new sections —Cancer Control, Heart Disease Control, and Food and Milk Control—the last named section being formed by separating these items from the section on Sanitation. The method of scoring has been changed. The former plan assigned values for items which totaled 1,000 points, the section totals varying from 20 for Popular Health Instruction to 175 for Communicable Disease Control. In the new scoring each section totals 100 points and a weighted value or factor is applied to each section to adjust the total score to 1,000.

⚜

Scandal in Chicago Sanitary District.—A special grand jury reporting last month makes the startling revelation that the Chicago Sanitary District has been plundered by the politicians with a resultant deficit of $9,602,000 in the bond fund. Not satisfied with merely exposing the loss, the grand jury makes bold to recommend that the Sanitary District be merged with the city government and that its employees be brought under the provisions of the civil service law.

The maze of overlapping governments in Chicago has always perplexed the uninitiated. For years such agencies as the City Club and the Chicago Bureau of Efficiency have urged reorganization and consolidation. It is to be hoped that the graft revealed by the grand jury will spur public opinion towards a simplification of Chicago's local government. At the present it is too complicated for the voters to watch.

WORTH-WHILE BOOKS
ON
GOVERNMENT

Practice of Municipal Administration
By L. D. UPSON **Price $4.00**

This book shows how municipal activities can be conducted on a high plane at a cost that taxpayers will tolerate. "To the student of the processes of municipal government and the professional municipal administrator, the book is a necessity." Some chapter headings are: Administration, Administrative Organization, Election, Safety, Education, Police, Courts, Engineering, Wastes, Control of Utilities.

Municipal Finance
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The City Manager
By LEONARD D. WHITE **Price $3.00**

A book for city managers, city councilmen, city department heads, men studying to be city managers, reference reading in university classes, and committees and clubs studying the merits of the city manager plan. Through an intensive study of the personality and method of the city managers of Cleveland, Cincinnati, Pasadena, Dayton, and Berkeley, and through his broad knowledge of the general subject of public administration, Mr. White is able to come to some conclusion about the type of administrative official necessary to the successful maintenance of this sort of government.

Proportional Representation
By C. G. HOAG and G. H. HALLETT **Price $5.00**

This book shows proportional representation as a practical instrument of democracy while it also carefully evaluates other methods of voting in relation to the purposes in view. Some chapter headings are: Voting and Its Objects, Minority and Proportional Systems, Objections to Proportional Representation, P. R. with Single Transferable Vote at Work, Election Provisions for P. R., Constitutionality of P. R., Majority Preferential Voting.

Elements of Political Science Research
By AUSTIN F. MacDONALD **Price $ .90**

This new practical handbook describes the chief sources of material in the field of political science. It explains the methods essential for conducting creative work. The author is Assistant Professor of Political Science, University of Pennsylvania, and this concise working manual is based upon the methods used by the students at that Institution for a number of years.

The Invisible Government
By WILLIAM BENNETT MUNRO **Price $1.75**

Professor Munro points out that all governments, wheresoever they operate, are largely controlled by forces which operate beneath the surface, unseen by the eyes of men, and he gives a keen analysis of some of these invisible influences. He writes of — I. Fundamentalism in Politics, II. The Myth of Popular Sovereignty, III. The Law of the Pendulum, IV. Government by Propaganda, V. The Money Power, and VI. Our Strengthening Sectionalism.

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261 BROADWAY, NEW YORK

FIVE YEARS OF CITY MANAGER GOVERNMENT IN CLEVELAND

Report by
THE EXECUTIVE BOARD OF THE CITIZENS LEAGUE OF CLEVELAND
MAYO FESLER, *Director*

Supplement to the
NATIONAL MUNICIPAL REVIEW
March, 1929 Vol. XVIII, No. 3

PUBLISHED BY
NATIONAL MUNICIPAL LEAGUE
261 Broadway, New York, N. Y.

This thoughtful analysis of the successes and failures of Cleveland's city manager government is reprinted, with permission, from *Greater Cleveland*, the bulletin of the Citizens League of Cleveland.

FIVE YEARS OF CITY MANAGER GOVERNMENT IN CLEVELAND

AN IMPARTIAL ESTIMATE OF CLEVELAND'S EXPERIENCE

Despite a weak and unrepresentative council, and many defects and errors on the administrative side, Cleveland has had, under the city manager form of government, a more efficient administration, and one which has taken a more comprehensive view of the city's problems, than in any five-year period in the city's history. :: :: ::

FIVE years have passed since Cleveland put into operation (January, 1924) the city manager form of government, which the electors had adopted in 1921. When the charter was presented to the voters for adoption, the advocates claimed, among other things, these advantages:

(a) It will establish a more unified organization, and a more centralized control and responsibility.

(b) It will place the decision as to policies in the hands of the elected representatives of the people; and the administration of those policies in the hands of trained and experienced administrators instead of inexperienced amateurs.

(c) It will introduce into the city government the element of business efficiency and tend to eliminate partisanship and political spoils.

(d) It will stabilize the administration and give continuity to administrative programs and policies.

These advantages were, of course, bottomed upon the election of honest, competent and broad-minded representatives who in turn would select able and experienced administrators to conduct public affairs. These advantages, coupled with the widespread dissatisfaction with the immediately preceding administrations, led the people to adopt the new plan of government.

Five years of experience under a new form of administration is a sufficient length of time to warrant some conclusions as to the effectiveness of the system, and the advantages which it affords over other forms of government. In this report the Executive Board of the League, from its intimate contact with the city government, will try to answer the many inquiries which come to the League asking for a frank estimate of Cleveland's experience under the city manager plan. The Board has sought to be entirely frank in its statements without glossing over any of the serious failures or defects which have developed during the five-year period.

THE PLAN OF ORGANIZATION

The city manager charter itself is brief and sets forth the plan of organization only in skeleton form, leaving the framework to be filled in by ordinance of council. When the administrative code was adopted by the council (1924), and the departments and divisions finally established, the new plan of organization appeared about as follows:

1. Department of Law:
   Civil and criminal divisions.
2. Department of Public Service:
   Division of streets and division of engineering and construction.
3. Department of Parks and Public Property:
   Divisions of parks, public recreation, public auditorium, street lighting, airport, markets, information, motor maintenance.
4. Department of Public Welfare:
   Divisions of health, employment, city hospital, city farm, boys' farm, girls' farm.

5. Department of Public Safety:
   Divisions of police, fire, and buildings.
6. Department of Finance:
   Divisions of accounts, treasury, assessments and licenses, purchases and supplies.
7. Department of Public Utilities:
   Divisions of light and power, and water and heat.

The charter provided for the election of the twenty-five council members, by the proportional representation method of voting, from four large districts into which the city was divided by the charter.

First district—west side—seven councilmen.
Second district—southeast—six councilmen.
Third district—down town—five councilmen.
Fourth district—east side—seven councilmen.

The first election of council members was held in November, 1923, preceding the taking effect of the charter on January 1, 1924. Better council committees were organized in three of the districts in the effort to induce well-known and highly respected citizens and business men to become candidates. These efforts were without success. However, 119 candidates filed their petitions and twenty-five of the number were elected. Eighteen members of the then existing council were reëlected, four independents chosen, and two of the new council were women.

Although the ballot was non-partisan there were enough active partisans elected to give the Republicans a good working majority; but not enough independents to maintain a healthy and effective minority. The Executive Board of the League expressed the opinion after the election that, while the council was of rather ordinary calibre, it was made up of a majority of honest men and women who sought to merit the good opinion of the community and to do the will of their constituents.

But when it came to organizing the council for actual work the party leaders exercised their usual influence, which was stronger than the normally independent desires of a majority of the members, so that the party leaders outside of the council dictated both the organization and leadership of the council. That meant the continuance of the same rules and committee arrangement as had existed for many years, under which the four or five council leaders, controlled by these outside political leaders, had practically complete control of legislation.

THE SAME PERSONNEL IN THE COUNCIL

Most of the same members have been reëlected in the two succeeding elections. The number of independents has gradually decreased. Only one woman, a "regular," remains in the council. The leadership and control has remained the same throughout the five-year period. The four or five leaders, like members of interlocking directorates, have kept themselves on all key committees to which were referred all important legislation. Proposed ordinances which they did not want enacted were buried in committees. Council members who showed too much independence had their ordinances delayed. Councilmen who attacked the leaders or the system on the floor had their legislation buried beyond recall.

In short, during the five-year period it has been legislation largely by covert intimidation rather than by independent representation. Only within the last six months have there been any substantial indications of a disposition on the part of the council members to break away from this domination and vote independently.

We do not mean to say that there has been no good legislation during these five years. There has been much of it.

Routine legislation such as street improvements, water extensions, park developments has gone forward unmolested. Appropriation ordinances have been largely left to the city manager for the simple reason that there have been no surpluses to distribute to favored causes. A few forward-looking steps have been taken in the form of progressive measures. But on the whole the general quality of the legislation has been low, largely because of this dominating leadership forced upon the council from the outside. At no time during the five-year period has the council shown an inclination to react favorably and promptly to outside suggestions for constructive legislation or for the improvement of its own procedure. It has been slow and reactionary on all such proposals.

INTERFERES WITH ADMINISTRATION

Most of the council members have not even shown a sympathy for the new city manager form of government which they were elected to put into operation. The charter clearly provides that the council shall confine itself to legislation and that neither as a body, nor as individual members, shall it interfere with administration. The salary of council members was fixed at $1,800 so that there would be no inducement for members to loiter about the city hall, run errands for their constituents, and meddle in administrative affairs. It was intended that they should confine their attention solely to public policies. Yet, from the day the new council went into office until the present time, a majority of them have assumed that they had certain property rights in city jobs, and that one of their major functions is to run errands for their constituents, and bring councilmanic influence to bear in obtaining special favors for their friends.

As illustrations of this wholly wrong view of their functions, one member is found appearing before the civil service commission which he helped appoint and whose pay roll he signs every two weeks, serving as attorney for dismissed policemen and firemen; another member before the commissioner of licenses asking for special favors for his clients, or before the director of law demanding that the city lay off its prosecution of fraud against a fruit and vegetable firm which was accused of padding its bills for supplies sold to the hospitals; another member writing letters to the Republican boss, asking for the appointment to city positions of certain friends, which request was forwarded to the clerk of council who acts as job broker for the council members; more than one member improving his practice in the police court where councilmanic influence is exerted to get petty offenders released; one member, an agent for builders' supplies, serving as chairman of the building code committee, until ousted, and chairman of the board of appeals which grants permits to builders and contractors; some members indefatigably busy running errands for "the boys" in their wards, getting them street-cleaning jobs and asking judges to give light sentences to misdemeanants; many members pleading with directors to favor their friends in the police and other departments; a few members constantly on the alert looking for favors for those of their own nationality. These illustrations could be lengthened into pages of actual cases of interference in administration in clear defiance of the charter and of every sense of propriety—and this in spite of the fact that each member took oath to observe the charter which provides (Section 34):

> Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to office. . . . The council and its members shall deal with the ad-

ministrative service solely through the city manager.

In fact a majority of the members of the council have devoted far more time to the political fence-building features of their councilmanic position than they have to actual legislative duties, which they were elected to perform. When they have been pressed by citizens to hold hearings and speed up needed legislation, which was unnecessarily delayed, they have made the specious complaint that a councilman is not paid enough to justify him in giving more time to legislative duties.

NEEDED LEGISLATION DELAYED

The net result of this mediocrity in personnel, this failure to recognize the legislative principles of the new charter, and the council's absolute refusal to gear up its procedure for effective legislative service, has been a woeful lack of much-needed legislation. This is partly shown by the many large and significant legislative tasks which have been pressing before the council for most of the entire five-year period, but which seem to be little nearer solution than they were five years ago. A few of them are:

(a) *Pension system.* A totally unsound police and fire pension system which is now costing the taxpayers more than a half million dollars a year and increasing at a rapid rate—admitted by all to be unfair to the taxpayers; yet no definite steps have been taken to adopt a sound plan.

(b) *Water rates.* An actual service-at-cost rate for supplying water has long been needed, yet no legislation has been adopted. The delays mean ultimately added cost to the consumers.

(c) *Lighting system.* The city has rapidly increased its white-way lighting system, adding greatly to the cost to the general taxpayers, but with no effort on the part of the council to establish a proper distribution of this cost to those benefiting most from these improvements.

(d) *Street railways.* The street railway problem has been handled in a bungling manner for the full five-year period. Although the failure to route car lines properly has been costing the taxpayers at least $250,000 annually and has threatened increased rates of fare, the council has only recently passed the first rerouting measure.

(e) *A financial program.* The council's attention has been repeatedly called to the need of a financial program covering a period of years so that needed public improvements can be cared for in order of the greatest need; yet no steps have been taken to work out a plan. The same hit-and-miss policy of spending for the moment and for the improvement which has the most supporters still continues.

STREET RAILWAY SITUATION

No better illustration of the aimless and dilatory councilmanic procedure can be given than its inefficient handling of the street railways under the Tayler Grant. This franchise is a contract between the city and the railway company, whereby the street railway company operates the street railways and furnishes service at cost under the general supervision of the council. The council must authorize all capital expenditures, all extensions, reroutings, and new forms of transportation. The franchise provides the council with a street railway commissioner who is the technical adviser of the council, and he has an ample staff. In short, provision is made in the contract for efficient coöperation between the city and the company and effective control by the city.

In the first place the council and the city manager jointly appointed as street railway commissioner a civil engineer who had had no street railway experience of any kind. The office has been especially lacking in constructive suggestions and activities, and ineffective in promoting and protecting the city's interests. Added to this the council has kept in as chairman of this important committee a member of the council who has no grasp of the real transportation problem of this community, and is able to see it only from his

narrow local point of view. He has been honest but obstructive. The chairmanship calls for a man who can see the street railway problem as a metropolitan transportation problem; and the committee needs a trained street railway engineer as adviser. Unfortunately we have neither.

While the council deserves credit for adopting the modifications in the Tayler franchise, which enabled the company to finance extensions and improvements, and has established bus lines, the general result has been little of a constructive nature looking to the solution of a difficult transportation problem in the five-year period. Even the major recommendations of the Horr Commission have been only partly carried out, after long and wasteful delays. The needed rerouting is still incomplete. The bus lines are losing heavily. The rate of fare has increased to seven cents and threatens now to go to eight cents. The council continues to delay on obviously desirable actions requested by the street railway company. In short, instead of efficient coöperation on the part of the council with the street railway company to improve the service and keep down the rate of fare, the company's suggestions have met with studied indifference or continued obstruction at the hands of the council committee.

Other illustrations of the failure of the council to fulfill its larger legislative obligations might easily be cited; but they would only add to the drab picture of a colorless record of an unprogressive council whose chief interest has been petty jobs and personal services to constituents rather than the big and pressing problems of a growing city.

NEW LEADERSHIP NEEDED

We would emphasize again that the council, as a whole, is composed of honest men and women, a majority of whom would react favorably to right stimuli if they had proper leadership. But the council now commands little public respect, and it cannot hope to attain the position of esteem and authority which the charter intended it should have, until it shakes off the present low-toned leadership which is dictated from the outside by political leaders. The council must shake off the strangle hold of the present patronage-seeking, partisan control before it can be called a really representative legislative body seeking to carry out the wishes of its constituents under a new and progressive form of government.

P. R. METHOD OF ELECTION

One of the most frequent questions asked is, "Has the proportional representation method of electing members of the council been a success?" Frankly, we cannot see that it has had any substantial effect one way or the other. Its advocates claimed that it would destroy partisan control and give us a higher type of councilmen. Since the council is largely the same in personnel as it was before the adoption of the new charter, it is apparent that it has not materially affected the standard. Its supporters claim that we have had better results than would have been obtained under the single choice ballot. Its opponents claim that it has only tended to foster and intensify racial and religious prejudices, and has kept many honest voters away from the polls. It is quite apparent that there is a widespread feeling of hostility among the rank and file of voters against the P. R. method of election. The League's office gets that reaction from all directions especially at election times. Opinion, however, is widely divergent on the merits of the P. R. system.

All are agreed, however, in the belief that probably we have not yet had an

honest election under the P. R. plan. This suspicion has been greatly augmented by the action of the recently ousted board of elections and its chief clerk in permitting to be destroyed, contrary to law, all of the P. R. ballots in the last municipal election, and thus preventing the special grand jury from investigating them for irregularities and fraud. A fairer judgment on the P. R. method of election can be given after this fall's municipal election under the new election board in which the people have more confidence.

THE ADMINISTRATIVE SIDE OF THE GOVERNMENT

Since the council, under the city manager form of government, is the supreme authority and appoints the city manager with power to remove him at any time, the quality of the council membership and the council's general attitude toward the city's business inevitably reflects itself to some extent on the administrative side of the government. We have already pointed out the extent to which they have interfered in appointments and administration during the five-year period.

But the appointive method usually secures better administrative officers than does the elective method. So it was in Cleveland. The members of the new council in January, 1924, recalling the drubbing which the voters had given the Republican administration in 1921, and the general dissatisfaction existing toward Mayor Kohler in 1923, and feeling the sense of official responsibility imposed upon them by the people, met their responsibility in a commendable manner by appointing William R. Hopkins as the first city manager and fixing his salary at $25,000.

MR. HOPKINS' FIRST DECLARATION

In a report at the time (January, 1924) on the qualifications of the twenty-nine candidates being considered for the city managership, the Citizens League said of Mr. Hopkins:

> The Executive Board of the Citizens League has investigated Mr. Hopkins' qualifications for the position. He is a graduate of Western Reserve University and also of Western Reserve Law School, did post-graduate work in the University of Chicago, served one term in the city council, practiced law for a number of years and then organized a company and promoted the Belt Line Railroad.
>
> We have conferred with him on the question of the city manager's unhampered freedom of action in appointments and in the conduct of the city affairs. Mr. Hopkins declares without hesitation that he will not accept the office if there are any personal, political or other obligations which will interfere with his freedom of action in serving the city to the best of his ability. He expressed the belief that the man who accepts the position pledged by promises, which will in any way hamper the service, is doomed to failure at the outset. He believes that the only way by which economical and efficient government under the new plan can be assured is by the appointment of well-trained and experienced men and women to all positions in the city's service without regard to their political affiliations. He regards the position of city manager as one offering large opportunities for useful service to the city; but he believes that this service can be made satisfactory only when the manager is left entirely free to choose his subordinates and to administer the affairs of the city in a businesslike manner. He also believes that the hearty and sympathetic coöperation of the council in carrying out plans for large improvements in this rapidly growing city is essential to the success of the new plan of government.
>
> The Executive Board is of the opinion that Mr. Hopkins is exceptionally well qualified by education, training, experience, character and breadth of view for the office of city manager.

This statement was made by the League early in January, 1924, before Mr. Hopkins was appointed city manager and after he was interviewed by the president of the League and shown the above statement. So in a sense it was a declaration of administrative policy on his part. Now, after five

years of intimate contact with his administration and frequent frank differences with him on questions of administrative policy, we believe it is fair to measure Mr. Hopkins' five years of administration by this first statement which covers, at least, the essential features of the conduct of a business as large and complex as that of the city of Cleveland.

DID HE EXERCISE A FREE HAND?

While Mr. Hopkins maintained, no doubt sincerely, that he had a free hand in the appointments of his seven directors of departments, there was and has been no doubt in the public mind that he yielded to outside political, newspaper, and friendship pressure in choosing his cabinet. Although we are not inclined to criticize him for giving due consideration to these various influences in the community at the beginning of the new experiment, subsequent experience with some of these appointees has shown him the unwisdom of keeping his ear too close to the political ground in making important appointments. His later appointments indicate that he now realizes that efficient administration can be attained only by appointing directors and commissioners solely on the basis of merit and fitness.

Under the charter Mr. Hopkins had seven directorships to fill immediately after taking office. Only three changes have been made in five years. The following summarizes the appointments to these important positions:

1. Director of Law—Carl F. Shuler, former assistant law director, personal friend and former law partner of the city manager—five years of continuous service in the office.

2. Director of Public Service—William H. Ferguson, civil engineer, contractor and construction work. Held the position until November, 1928, when he was requested to resign because of the wide divergence of views between him and the city manager on departmental problems. Ralph L. Harding, civil engineer, experienced in construction work, was appointed to the vacancy on December 10, 1928, and has been in office only a few weeks.

3. Director of Public Safety—Edwin D. Barry, former sheriff—a retired business man. Has given five years of continuous and vigorous service in the office as head of the police and fire forces.

4. Director of Public Parks and Property—E. S. Harmon, former wholesale grocer—retired business and prominent lodge man. Served for three years and six months, and then resigned. Samuel H. Newman, for long years commissioner of parks, was appointed in June, 1928, to succeed Mr. Harmon.

5. Director of Public Welfare—Dudley S. Blossom, former director of public welfare under Mayor Davis—a man who renders public service for the love of the service. For the full five years he has been in charge of the city's welfare institutions.

6. Director of Finance—E. J. Semple, former auditor for Standard Oil Company, and later secretary of a coal company. He served for four and a half years in this difficult position and then resigned to return to his position with the Standard Oil Company. Stephen G. Rusk, certified public accountant, member of the firm of Rusk & Williams, succeeded Mr. Semple on September 15, 1928.

7. Director of Public Utilities—Howell Wright, graduate of Yale University; trained as a lawyer; served the community in several social welfare positions, the last of which was secretary of the hospital council; active in democratic local politics; former state senator and candidate for city council in 1923; five years of continuous service in charge of the water and light departments.

It will be seen from the above list that the manager's cabinet has remained largely intact for the full five years, the three changes having taken place in the past nine months.

NOT SUFFICIENT TOUCH WITH DEPARTMENTS

At the outset Mr. Hopkins announced the policy of giving his directors a free hand in the conduct of their own departments. He has, in the

main, observed that policy in actual practice to such an extent that close observers of the administration have criticized the manager because he did not maintain a close enough supervision over his departments to know their problems and to see the weak places in their administration.

We believe that this criticism is justified. Not that the city manager has not been an indefatigable worker, because he has worked overtime, all of the time, on big public improvements. But no amount of industry and no amount of attention to the promotion of larger civic projects can be substituted for a strong grip and tight reins on the details of an administration as varied as that of the city of Cleveland. The most successful administrators are those who keep in sufficiently close touch with their departments to know the details of their work, to instil into them the spirit of the service, and to blend them all into one coöperative effort for the promotion of the city's interest.

Mr. Hopkins has been so completely absorbed in the larger civic projects such as the lake front, the mall, the public auditorium, the planning of the city, and other large physical improvements, and the task of discussing them before organizations and groups of citizens, that he has not been able to acquaint himself sufficiently with the details of the departmental work. He is especially well adapted to the development and promotion of these large plans and projects. He likes that work, and is untiring in his efforts in that field. He has no regard for reasonable hours of labor or for his own physical condition. He works all day and then spends the evening in attending meetings and making speeches. He cannot do more and retain normal health and a safe physical condition. But, nevertheless, sufficient attention is not being given to the departmental organization and the routine matters of government.

AN ASSISTANT CITY MANAGER NEEDED

For that reason the pertinent suggestion has frequently been made that the council should establish the position of assistant city manager with a sufficient salary to enable the manager to obtain the services of an assistant who could relieve him of much of the detail of routine administration and tie together all of the loose ends of the city's business. No private corporation doing a $45,000,000 business, as the city is doing annually, would think of getting along without one or more chief assistants to the president or general manager. The appointment of a competent assistant city manager by the manager would give him an experienced adviser who could keep him accurately informed on departmental details, speed up the decision on many matters that are now too long delayed in the manager's office, and enable the manager to devote most of his time to the many pressing projects for larger public improvements.

THE MERIT SYSTEM IN APPOINTMENTS

While the city manager, as stated above, has left largely to his directors the administration of their departments, he has, it seems to us, unduly interfered in the appointment of their heads of divisions; and has, with the permission of the civil service commission, violated the clear intent of the charter as well as the civil service section of the state constitution, by having these positions placed outside of the competitive service.

The charter was built upon the principle that the directors were the political heads over a number of closely allied technical divisions. The directors were therefore placed in the exempt class and subject to removal at any time by the

city manager. The commissioners or heads of the twenty-seven technical divisions in the seven departments were all placed by the charter in the competitive classified service, and the positions were intended to be filled after competitive tests by persons especially equipped by training and experience for those positions. Twelve of the twenty-two commissionerships, at the request of the manager, have been placed in the non-competitive class by the civil service commission, and all of these positions have been filled without competition as required by the charter and the state constitution. Every commissionership which has been vacant in the past two years has been filled by non-competitive appointments at the request of the city manager.

While it is true that the manager, in each instance, has appointed a technically-trained man, and, just possibly a more competent man, yet we believe that satisfactory results could have been obtained without doing violence to this well-established and generally recognized principle of merit as laid down in the charter and the constitution.

AN INCOMPETENT CIVIL SERVICE COMMISSION

There is one justification, however, for the manager's request that these technical positions be taken out of the competitive classified service—namely, the incompetence of the civil service administration throughout the five-year period. Unfortunately, the new charter gave the appointment of the three civil service commissioners to the city council. This has resulted in strictly partisan appointments in all three cases, openly dictated from Republican headquarters. No one of the three commissioners had ever had any experience with or shown any regard for the merit system before his appointment; and they have developed little sympathy for the merit system since their appointment.

The commission in turn appointed as its secretary and chief examiner a Republican ward leader, salesman for a fire extinguisher device, who had had no experience in personnel administration. Then the commission proceeded to place all of its examiners in the non-competitive class and to fill all vacancies in the commission's staff with partisan employes. While some of its examiners and most of its clerical staff, holdovers from former administrations, have done satisfactory work, there has been such an atmosphere of partisan favoritism in the whole civil service administration that the public has lost confidence in its examinations and has little respect for its eligible lists. No doubt sharing this view, the city manager has asked to be relieved of such an obstruction in the way of selecting the most competent available persons for these technical positions.

The civil service commission, which was intended to be one of the effective means of eliminating partisan spoils and of establishing and maintaining a service based solely on merit, has from the outset of the new form of government been a hindrance rather than a help to efficient administration. It has yielded to partisan influences in its own appointments; it has seriously interfered with discipline in the police and fire service by restoring convicted policemen and firemen to their positions; it has not only winked at, but has authorized appointments in the city and county service in violation of the charter and its own rules; and it has consistently closed its eyes to all violations of the civil service laws. In short, instead of being the authority to prevent the domination of partisan spoils in the administration of city affairs, it has been the tool of the Republican

organization to foster and protect partisan influence in what should be a strictly non-partisan administration of the city's business. This is the council's responsibility and is one of the strong indictments against the present council members, a large majority of whom participated in all three appointments.

MANAGER'S RELATION TO THE COUNCIL

One of the much discussed questions under the city manager government has been the manager's relations to the council, and to matters of public policy as distinguished from matters of administration. The city manager charter, while it gives to the council the supreme authority in the city government, also tries to maintain as clear a demarcation as possible between the determination of policies and the administration of policies. The council is supposed to determine policies and the manager to administer them.

The Executive Board of the League has had occasion more than once to call the attention of the city manager to the clear distinction between these two functions and to impress upon him the importance of a jealous observance of this distinction in the conduct of his administration. Soon after his appointment when the League was urging a $6,000 salary for the president of the council so that, as mayor, he could afford to be spokesman for the council on matters of public policy, the city manager objected to the letter which the League sent to the council. The Executive Board at that time (January 16, 1924) in a letter to the manager outlined its reasons for urging a close observance of this principle as laid down in the charter. They were in brief:

(a) The city manager is the impartial administrator of all the people to carry out the provisions of the charter, laws and ordinances.

(b) The success of the city manager's administration depends largely upon the permanency in tenure of the city manager and his trained staff of officers and employes.

(c) When the city manager becomes the aggressive advocate of new municipal policies he undermines the permanency of his position by engendering the opposition of the forces opposed to the policy advocated.

(d) If the council's major and important function of determining policies is usurped by the manager and the council becomes subordinate to the manager, as former councils have been to the elective mayor, the importance of the council-manic office is decreased and fewer candidates of the right sort will seek election.

The Board tried particularly to impress upon the city manager the fact that the new form of government sought permanency on the administrative side of the government; and that the advocacy of debatable policies by the manager weakened his permanency of tenure, by making the manager the target of attack for all the forces opposed to the particular policies advocated.

The soundness of the League's position has been amply justified by a series of subsequent events, culminating a year ago in November (1927) in the effort to overthrow the city manager form of government and return to the strong-mayor plan. In that campaign the issue largely swirled about the question, "Shall we keep Mr. Hopkins as city manager?"; and it was decided by an uncomfortably close vote in favor of retaining the city manager form. A similarly close margin was experienced in the second election on that question at the April primary.

The friends of the city manager plan have many times wished that City Manager Hopkins could get more of the English municipal officers' point of view, namely, that the administrative officer's foremost job is to administer policies and not to determine them. It was expressed recently by an English municipal official, I. G. Gibbons, in the

National Municipal Review, in this way:

> The future of the city manager form of government is imperiled by the incursion of city managers into matters of policy—a practice which in this country (England) would not be countenanced in an official employed by a municipal corporation. In this country one of the essential conditions of tenure is that officials do not become public advocates of policy.

A COÖPERATIVE JOB

It is only by a constant recognition and a jealous observance of these finer distinctions between the functions of the council and those of the city manager that the spirit of coöperation can be maintained between these two arms of the government, which is so essential to the highest efficiency. One of the recognized weaknesses of the strong-mayor-council plan of government is the almost inevitable clash between an elected council and an independently elected chief executive. This same antagonism can readily be developed between a council and a strong city manager. It can be avoided only by a generous recognition by both of the respective fields of each, as outlined in the city charter.

CINCINNATI'S GOVERNMENT

One of the chief reasons why the city manager form of government has succeeded so well in Cincinnati and is so popular with the people is the fact that Mayor Seasongood has always insisted upon observing these distinctions, and Colonel Sherrill, city manager, true to his training as a military officer, has from the outset recognized them.

In all frankness, however, it must be said in this connection that City Manager Hopkins has been confronted with a very different set of circumstances than those which confronted the city manager of Cincinnati, namely, that no member of the council during the city manager's administration has shown sufficient ability as a leader to command sufficient public attention and receive sufficient public support to make him the spokesman for the city council in matters of public policy. In Cincinnati, on the other hand, the city was fortunate in having an able and prominent leader in Mayor Seasongood, who has been willing to sacrifice his time and bear the brunt of attacks for the good of his city. This is offered as an explanation, but not as an excuse; for a disregard of fundamental principles in government, because temporary circumstances make their application difficult, in the long run usually results in disaster. The city manager form of government, we believe, over a period of years, will succeed far better where there is an insistence upon the observance of these fundamentals even in the face of temporary and changing difficulties.

THE NEW PLAN SUCCEEDS IN CLEVELAND

But in spite of the difficulties and drawbacks above enumerated the city manager form of government, in comparison with past administrations, has, in our opinion, given Cleveland a better administration of city affairs than in any comparable five years in the city's history. This, we believe, can be proved in the actual results attained in the performance of the daily routine of municipal housekeeping, in the large improvements projected and accomplished, and in the money spent in obtaining these results.

Unfortunately, there are no printed annual reports covering the last ten years from which to draw full statistical comparisons; and even the typewritten reports of some of the departments during the Davis mayoralty régime are entirely missing. So that much of the comparative evidence in the form of statistics cannot be pre-

sented. But there is enough available, we believe, to present convincing proof of the superior quality of the city manager administration over that which preceded it.

DEPARTMENT ACCOMPLISHMENTS

A detailed account of the activities of all of the departments and divisions is, of course, out of the question in this brief estimate, so that only the more significant facts will be set forth in proof of the above general conclusion as to the quality of the city manager administration.

Street Paving.—More street paving with a gradual decrease in cost and a steady improvement in quality, has been laid in the past five years than in any previous equal period in the city's history. This was the conclusion of the engineer of the Bureau of Research after twelve years of constant observation of the paving work. Comparing the last five years with the figures for the year preceding will show the tendency in costs.

NEW PAVING, REPAIRING AND RESURFACING

Year	Mileage	Area (Sq. yds.)	Contract Price	Average cost per sq. yd.
1923.....	40.822	722,872	$4,508,675	$6.24
1924.....	47.251	780,177	4,798,121	6.15
1925.....	81.838	1,354,080	8,401,299	6.20
1926.....	26.147	425,630	2,422,967	5.69
1927.....	52.928	923,365	5,594,730	6.06
1928.....	25.95	466,411	2,575,770	5.52

The per square yard costs are still higher than in some other comparable cities; but in so far as the city manager administration is concerned, the figures show decreasing prices with increasing quality of pavements laid.

Street Cleaning.—Streets have been cleaned oftener, garbage, rubbish, and ashes have been collected more frequently, and snow has been more effectively removed than in any previous five years in the city's history. In the year 1926, as an illustration, the city cleaned 40 per cent more streets under a schedule of 35 per cent more frequent cleaning, and did it for $100,000 less than the less work was done in 1920. The following table of earnings in the street division from garbage collection and disposal is only one of a number of illustrations of the increased earnings from city services.

GARBAGE COLLECTION AND REDUCTION

Year	Tons collected	Cost per ton collection and disposal	Revenue from by-products
1920.....	68,645	$14.50	$118,900.00
1921.....	92,385	11.68	162,000.00
1922.....	96,275	10.96	235,000.00
1923.....	111,128	9.23	275,000.00
1924.....	123,775	7.99	199,000.00
1925.....	143,575	7.34	296,000.00
1926.....	157,551	6.98	315,000.00
1927.....	146,110	7.46	267,908.63
1928.....	131,851	7.41	298,998.31

The marked decrease in cost per ton for collection and disposal and the distinct increase in revenue from by-products are significant proof of a more efficient administration during the last five years.

WELFARE WORK OF HIGH QUALITY

The city hospitals, infirmaries, sanatoriums, workhouses, and welfare homes have been more economically operated and more efficiently managed, and more real social vision has been shown in their administration than in any previous five years of the city's history. This can be shown by cold statistics, by the testimony of those who are the beneficiaries of the city's benevolence, and by those who have been engaged in social service work and have come in intimate contact with these institutions.

The City Farm.—The reports during the past five years show a marked increase in the receipts in the form of milk, eggs, vegetables, and other sup-

plies from the city farm of 2,200 acres. In the four years, 1920 to 1923 inclusive, the total receipts from sale of material to other institutions amounted to $135,697.68. In the last four years under the city manager administration the total receipts were $278,869.33, or more than double that of the preceding four years. The five years under the manager administration shows the following:

Year	Appropriation	Number of employes	Receipts from farm
1924	$88,725.00	31	$62,043.85
1925	95,475.00	35	75,836.65
1926	98,045.00	38	69,625.28
1927	105,482.00	40	66,039.66
1928	95,250.00	38	67,367.74

The City Infirmary.—The city infirmary, with its more than 800 aged men and women who are wards of the city, is becoming more and more a real home for these aged and infirm people. While the population has substantially increased, and little in the way of much-needed capital outlays has been spent in the five-year period, yet the inmates and the social workers who are best acquainted with the infirmary are agreed that these city wards have been receiving better care and more comforts in the past five years than in any period since the infirmary was built. This increased service has been rendered at a gradually decreasing per capita cost as the following table will show:

Year	Appropriation	Infirmary population	No. of employes	Per capita per day cost
1920	$362,488.00	618	79	$1.09
1921	450,000.00	648	68	1.08
1922	246,000.00	651	54	.95
1923	203,000.00	689	57	.85
1924	215,890.00	679	53	.80
1925	211,280.00	724	54	.81
1926	233,713.00	751	59	.86
1927	250,301.00	796	61	.77
1928	253,526.00	842	61	.75

The fact that a public institution in these days of continuing high prices can maintain a gradual increase in quantity and quality of the service rendered to its inmates, with at the same time a decreasing cost and a decreasing staff, is an indication of efficient management.

City Hospital.—One of the city's welfare institutions which has been considerably enlarged within the five-year period, and whose population has grown rapidly, not only because of enlarged facilities, but because of the growing popular feeling that it is a good place to go in time of sickness, is the city hospital. Its equipment and staff is generally regarded as the equal of the privately endowed hospitals in the city. While its per capita cost of operation has remained nearly stationary, there is no doubt among physicians and laymen alike that the facilities and service have greatly increased in the past five years.

Year	Expenditures	Average daily attendance	Receipts from patients	Per capita per day cost
1920	$561,096.34	447	$28,709.00	$3.46
1921	630,316.49	438	10,848.00	4.41
1922	626,848.98	477	11,397.00	3.63
1923	855,243.72	569	34,386.00	4.35
1924	1,103,023.04	715	48,821.00	4.05
1925	1,181,477.26	839	53,556.00	3.94
1926	1,275,637.18	932	73,003.00	3.72
1927	1,276,586.50	932	70,920.00	3.61
1928	1,280,000.00	990	59,644.00	3.54

Health Division.—In every feature of health administration the city manager administration shows consistent and gradual improvement. The number of deaths from various diseases is a good measure of the efficiency of health administration. The following table speaks for itself.

Cleveland now holds the enviable position of ranking highest among American cities for its good health conditions. Its position among the

Year	Deaths per 100,000 population			Infant mortality per 1,000
	Typhoid	Pneumonia	Tuberculosis	
1920	3.22	141.0	121.3	86.0
1921	3.49	94.3	107.5	73.1
1922	2.23	117.0	103.2	75.9
1923	1.08	133.0	97.3	67.1
1924	1.21	119.0	99.9	66.2
1925	1.49	114.0	92.5	65.8
1926	1.46	124.0	94.6	71.2
1927	1.02	73.7	86.5	56.0

cities in this respect is shown in the following table of death rate per 1,000.

City	1924	1925	1926	1927
New York	11.84	11.94	12.9	11.8
Chicago	11.19	11.46	11.7	11.5
Philadelphia	12.95	13.16	13.8	12.2
Detroit	12.59	11.02	12.5	10.8
Cleveland	*10.17*	*10.36*	*11.07*	*9.6*
St. Louis	13.53	13.85	13.9	12.9
Pittsburgh	15.38	14.81	14.1	13.6

The statistics from other divisions of the welfare department show quite as marked degrees of economy and efficiency in administration as do those which have been enumerated. But, of course, social welfare service's best measurement is not statistical. Its true measurement is to be found in the intelligent care given to the city's sick and unfortunate, who are wards of the city. A year ago in a report on the welfare department we declared that the officials in charge were doing their best, that politics played little part in the welfare work, and that there was the closest and most cordial relation between the private and public welfare agencies—a condition which assures Cleveland citizens that the city's sick and unfortunate are being well cared for.

THE POLICE AND FIRE DIVISION

Nor is it easy to show statistically the character and quality of the service in the police and fire divisions; but it is well known that when city manager government was inaugurated both divisions were sadly in need of equipment and reorganization. Police headquarters were still in the old dilapidated building on Champlain Street, the patrolmen were still walking their beats, with a limited number using motor cycles, and horses were still being largely used. But since the city manager administration took hold of the service, new headquarters have been built; the police force has been almost completely reorganized; the traffic bureau, women's police bureau, the automobile record bureau, and the criminal investigation bureau, have been established and the detective bureau has been reorganized; the police force has been largely motorized so that two patrolmen in a car can cover many times as much territory, and do it more effectively than does the lone foot patrolman; much new equipment has been purchased; a new signal system with a complete teletype outfit has been installed; new police and fire repair shops built; thousands of traffic signs erected, hundreds of traffic signal lights installed, and numerous other improvements in equipment and organization introduced.

While it is admitted that the police force of 1,200 men is far too small, yet it is generally agreed that Cleveland is getting about as good service as any other city with a force of that size, chosen as they are with no training from the rank and file of citizens. Politics has little influence in appointments or promotions. Over 900 appointments and promotions have been made in the five years, and the policy of choosing the highest on the eligible list has been strictly observed throughout the period.

There is, of course, always plenty of criticism of the police force of Cleveland. Some of it is justified. But we believe it can be said, without fear of

successful contradiction, that police administration in Cleveland during the past five years has been superior in general efficiency to that of any other five years since Cleveland became a large city.

THE FIRE DIVISION

The same general characterizations can be made of the city manager administration of the fire department. Much of the antiquated fire apparatus has been replaced with new and more efficient machinery; a new fire alarm system has been installed; fire stations have been repaired; and while there is entirely too much politics in the division, there is much less than in former years, and the force has been able to cope with fire hazard successfully and to the satisfaction of the fire underwriters. No city in the country has a higher rating for its ability to protect property against fire hazards.

PARKS AND PUBLIC PROPERTY

While it is difficult to show in tabular form the accomplishments of the parks and public property department in the matter of public recreation and park facilities, yet there are many convincing evidences that the city manager administration of the parks, playgrounds, public baths, park concerts, and other recreation facilities has been far more generous and efficient than under the five years preceding. When the manager took office the parks were in a deplorable condition. In the five years much has been done to rehabilitate them, trees have been trimmed and treated for infection, shrubbery has been replanted, roads have been rebuilt, streams have been rebanked, the zoo has been greatly extended, park concerts have been organized and expanded, large swimming pools have been constructed and the management of playgrounds, public baths, and swimming pools has been placed on a vastly improved basis. The income from earnings in the services under the director of parks and public property totaled $4,252,108.72 for the five-year period.

The Cleveland Air Port.—One of the outstanding contributions to commercial aviation has been the purchase, improvement, and management of the Cleveland air port. The city now owns 965 acres, and has negotiations under way to increase it to 1,100 acres of land, in the air field. Nine hangars have been built, with one under construction and two more under consideration. A complete system of lighting for night flying has been installed and the federal government has erected a radio communication station. In 1925 approximately 4,000 airships landed and took off from the field. In 1927 this had increased to 16,000, and in 1928 to 17,600, exclusive of sight-seeing and student flight planes. At present there are nine operating companies using the field under lease agreements. There are twenty-four daily schedules of flights, and six air lines connecting Cleveland with all parts of the country. Cleveland's conspicuous position in commercial aviation has been assured by the far-sightedness of the city manager administration.

Public Auditorium.—The Cleveland public auditorium has been completed under the city manager administration, and its management during the five years has been a credit to the city. Each year the operating receipts have considerably exceeded operating expenditures. In 1928 the cash receipts from rentals and other sources totalled $319,262.76, and the cash expenditures, including the heating of the new portion while under construction, totalled $311,556.24. At least $25,000 of these expenditures were not logically chargeable to operation for the year 1928; so

that the excess of cash receipts over cash expenditures for 1928, the lowest in the five years, was approximately $33,000.00. This does not include interest and sinking fund charges. The main auditorium, together with the annex, has attracted to Cleveland some of the foremost trade conventions, international conferences, and expositions, which are held in the country—all of which means heavy spending at Cleveland hotels and with Cleveland merchants. As a result of the fine exposition equipment and efficient management of the auditorium, Cleveland has become one of the great convention cities of the country.

PUBLIC UTILITY SERVICES

During the city manager administration the public utility department has been struggling with the problem of placing the three public utilities—water, heat, and power—on a sound financial basis. This task is not yet completed. The department has completed the Baldwin filtration plant, the Division Avenue plant has been rehabilitated, and a new pumping station has been built at Kirtland Station. The city is now equipped to pump 330 million gallons of water per day, 315 million gallons of which can be filtered. It is entirely safe to say that Cleveland's water supply today is unexcelled in quality or quantity by any large American city. The question of rates to be charged to the consumers, especially in the outlying areas where the cost of supply has been greatly increased, is one of the issues which the council has thus far failed to face and make the necessary readjustments in charges.

Municipal Light Plant.—The city manager found the municipal light plant in a thoroughly run-down condition, with the generating capacity far below the normal requirements necessary to insure safe and regular service to the customers. During the five-year period the plant has been placed in good condition, a new accounting system installed, and the total plant investment increased from $9,300,000 to $14,000,000. On January 1, 1924, the number of electric street lights was 4,132. On January 1, 1929, the total number of street lights, including the white way system, was 10,878, or more than double the number in 1924.

We might go on indefinitely with these illustrations and comparisons between the city manager and former mayor-council forms of government in the various departments and activities, but space is lacking.

EXPENDITURES UNDER CITY MANAGER PLAN

The final test, however, of good or bad administration is its cost. When the city manager administration was installed, the departments generally were in a run-down condition as the result of false economy of the two preceding years and the wasteful political administration of the preceding four years. Rehabilitation is always an expensive process, and particularly so after years of serious neglect. So even to bring the city back to normal meant increased expenditures. But the increased service in nearly every department, as has been shown above, would normally presuppose a considerable increase in expenditures. There has been an increase in expenditures but not nearly so large as the increased income from services rendered, so that in fact the total sums received from general taxes have increased only 10 per cent; while the tax rate for city purposes has actually decreased, as shown by the following table.

The facts are that if the city manager had inherited a city government in normal condition with equipment as

TAX RATE AND INCOME

Year	Tax rate in mills for city purposes	City income from taxes	Income for other state and county purposes
1924.....	10.3696	$19,183,760	$25,586,240
1925.....	10.0006	21,511,290	25,573,710
1926.....	10.0300	21,564,500	28,100,500
1927.....	9.8785	20,744,850	29,865,150
1928.....	9.9632	20,922,720	32,577,280

nearly up-to-date as it now is, instead of a mass of run-down equipment and decaying improvements, and a lot of old debts due to past partisan political mismanagement, the record today would show either no increase in expenditures or many additional improvements which are now so sorely needed.

COMPARATIVE EXPENDITURES

But even with the bulky burden of unpaid bills, financial mismanagement, and unwise economies which the city manager administration received from former administrations, the operating and maintenance expenditures of Cleveland, according to Federal Census Bureau figures, have been lower than that of any of the first ten cities east of the Mississippi, and considerably below the average of the first twenty-four cities in the country. The following figures from the latest federal report covering the year 1926 will indicate the amount:

Cities	Total per capita	Education and library per capita	Total per capita less schools and library
New York.....	52.98	18.57	34.41
Chicago.....	42.16	14.24	27.92
Philadelphia.....	40.04	12.01	28.03
Detroit.....	44.40	14.55	29.85
Cleveland.....	*39.67*	*16.92*	*22.75*
St. Louis.....	35.55	12.14	23.41
Baltimore.....	33.00	9.91	23.09
Boston.....	60.84	19.53	41.31
Pittsburgh.....	50.58	16.93	33.65
Buffalo.....	55.50	18.36	37.14
Av.—24 cities....	44.23	15.59	28.64

These figures for 1926 show Cleveland nearly $6.00 per capita lower than the first 24 cities.

BONDED INDEBTEDNESS

While Cleveland has maintained a lower per capita cost of governing for operation and maintenance than most of the cities, her bonded indebtedness does not show quite the same relatively favorable situation. But this is not due so much to city manager administration as to the ill effects of the old Smith one-per-cent tax law which compelled the cities of the state, during the war period and after, to issue long-term bonds for current expenses. This seriously objectionable policy was finally abolished by state legislation. The city manager recently reported that during the five years of city manager administration the city has discharged $37,000,000 of indebtedness and issued new bonds to the amount of $42,000,000—an increase of approximately $5,000,000 over the amount of outstanding bonds in 1923. The total of the city's bonded indebtedness on January 1, 1929, not including public utility and special assessments, was approximately $74,000,000 with $12,000,000 in the sinking fund, leaving a net debt of approximately $62,000,000. This is less than 3 per cent of the tax duplicate, leaving a margin of 2 per cent under state law for future bond issues by a vote of the people.

Cleveland's relative position among the ten comparable large cities as to bonded debt is shown by the following comparative table prepared by Mr. Rightor of the Detroit Bureau of Municipal Research for the NATIONAL MUNICIPAL REVIEW.

The following table shows that Cleveland's net bonded indebtedness, including public utility indebtedness and special assessment, is considerably below the average and has increased in

City	Jan. 1, 1924	Per capita net debt	Jan. 1, 1928	Per capita net debt
Chicago	$122,435,900	$45.32	$381,477,056	$122.94
Philadelphia	201,758,832	110.63	211,659,102	103.96
Detroit	127,463,571	128.28	202,070,405	151.42
Cleveland	*117,711,982*	*147.75*	*124,385,370*	*126.34*
Boston	82,116,230	109.77	96,226,443	121.33
Baltimore	85,752,792	116.85	124,221,493	151.67
Los Angeles	102,942,722	178.51	202,070,405	157.87
Pittsburgh	55,953,442	95.10	.....	.....
Buffalo	51,445,937	101.51	77,820,591	141.49
Cincinnati	76,010,504	189.43	76,795,717	186.31
Av. per capita	.....	122.31	.....	131.29

total amount at a much slower rate than the other comparable cities.

LARGER PUBLIC IMPROVEMENTS

In this analysis we have confined our attention largely to operating expenditures and their comparison with former administrations. But the five-year city manager administration compares most favorably with any other similar period in the extent of its larger and more significant public improvements. The city has practically completed the ownership of the mall site by the purchase of twenty-six parcels of land—more than was acquired during the twenty-two years since the plan was first initiated. A large and well-equipped air port has been purchased and constructed of nearly 1,000 acres of land within easy distance of the heart of the city. A new farm of 83 acres has been purchased for future city institutions, and already the new girls' home on the cottage plan has been erected. Large plans are under way for the development of the lake front. Wade Park has been extensively beautified. The public auditorium has been completed. Other major improvements and city plans are in the making and are only waiting better times financially and a willingness on the part of the voters to approve the bonds necessary to meet the costs.

So that from the several points of view, expenditures, services and improvements as well as in comparison with like expenditures in other American cities, the five years of city manager administration in Cleveland shows a better record than former administrations or other cities.

CONCLUSION

In presenting these facts in proof of the general thesis that city manager government has been a success in Cleveland, despite a mediocre legislative body, we have not lost sight of the many deficiencies of the city manager administration, many of which have been publicly called to the attention of the city manager by the League. Nor have we overlooked the disposition of the manager and most of his department heads to let partisan politics play a too considerable part in the choice of employes. But that is rapidly diminishing as the city manager gets hold of the problems. We are convinced, however, that the city manager is sincerely and whole-heartedly interested in giving his home city the best administration possible with the instruments and equipment at his disposal; and that as a result of his management Cleveland has had better administration and the people have received more for their money, and more real vision of the city's problems has been exhibited in the five years under the city manager government than in any previous five years in the city's history.